

CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU

TUESDAY, JANUARY 24, 2006
CITY COUNCIL COMMITTEE ROOM
SECOND FLOOR, HONOLULU HALE
2:00 P.M.

MINUTES

Charter Commission Members Present:

Donn M. Takaki
Jeffrey T. Mikulina
Andrew Chang
Amy Hirano
Jared Kawashima
Darolyn H. Lendio
Stephen Meder
Jim Myers
James Pacopac
Malcolm J. Tom – Late 2:05 p.m.
Jan Sullivan – Late 2:15 p.m.

Charter Commission Members Absent

Jerry Coffee – Excused
E. Gordon Grau – Excused

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Diane Kawauchi, Deputy Corporation Counsel, Department of the Corporation Counsel
Lori K. K. Sunakoda, Deputy Corporation Counsel, Department of Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

1. Call to Order

Chair Donn Takaki called the meeting to order at 2:01 p.m. on January 24, 2006. Chair Takaki went over housekeeping rules and stated that testimony will be limited to three minutes due to the large number of testifiers and must be related to the agenda.

2. For Approval

Minutes of December 13, 2005. Chair Takaki announced the minutes of December 13, 2005 were still in draft form and deferred approval for a later date. Executive

Administrator Narikiyo stated the minutes are available in draft format but would like to clean up grammar and spelling, the minutes are 45 pages long.

(COMMISSIONER TOM ARRIVED)

3. **Executive Administrator's Report**

Executive Administrator Narikiyo stated there are 26 proposals on the agenda of the original 99 proposals. He went on to say the list is posted on the Charter Commission website and that staff advised the Charter Commission e-mail list, City Council, Administration and sent letters to submitters three weeks ago to give as much notice as possible. Advised the Commission that the breakdown for the January 31st meeting was distributed and letters were sent to those submitters the day after the last meeting on January 10th as well. He reminded the Commission of the procedure regarding the supermajority proposals and if any Commissioner would like any proposal put on the agenda for supermajority consideration to advise the staff and they will put on the agenda for discussion and vote subject to the Chair's consent. If the supermajority proposal receives approval of 9 or more Commissioners, it will move on for further consideration. He reminded the Commissioners the deadline for supermajority consideration is 30 days before the first scheduled public hearing tentatively set for March 14 at Kapolei Hale, so 30 days before that is February 12, 2006. Executive Administrator Narikiyo reiterated staff is available to research any issues or concerns. If any of the Commissioners have any persons or organizations that should be added to the current distribution list to advise the staff. Finally he discussed the location and time for the last meeting on January 31, 2006. He advised the Commission since the January 10, 2006 meeting he was advised that Council Chambers are no longer available for Charter Commission meetings, which limits the Charter Commission's options. On January 31st there are City Council meetings scheduled to use the City Council Committee Room but he understands the meetings will be done by 4:00 p.m. He offered the first option of starting the meeting at 4:00 p.m. in the City Council Committee Room instead of 2:00 p.m. The second option is for the Commission to use the Civil Service Commission Room in the Annex Building across the Mission Auditorium, starting at 2:00 p.m. He offered a third option of starting the meeting at 2:00 p.m. in the Civil Service Commission Room then moving to the City Council Committee Room at 4:00 p.m. Commissioner Mikulina inquired re the use of Mission Auditorium for the meeting. Executive Administrator Narikiyo advised the Commissioners he did check into the room usage but was advised we would not be able to use Mission Auditorium because of the hardwood flooring in the room. Chair Takaki asked the Commissioners present if they had a preference of the meeting start time. Commissioner Pacopac asked to start at 2:00 p.m. The consensus appeared to be to start the meeting at 2:00 p.m. in the Civil Service Commission Room.

4. **Presentation by City Clerk**

Glen Takahashi, Elections Administrator of the City Clerk's office stated he met with Executive Administrator Narikiyo relating to logistical matters after proposals are adopted and felt it would be worthwhile to provide a presentation to the Commissioners. He passed out a handout (Attachment A) and briefly explained the process the Charter Commission needs to go through before proposals are placed on the 2006 ballot. Mr.

Takahashi covered four topics; Charter Amendments Ratification, Voter Drop-off, Ballot Question Complexity and Publication of Amendments. Mr. Takahashi went on to explain Charter Amendments Ratification; it is required to be ratified by the majority of the voters under City Charter Section 15-103 and according to State HRS 11-151 any blank, spoiled, or invalid ballots are not counted for ratification. He gave an example using the ratification process. Mr. Takahashi gave an overview of Voter Drop-off, which included the 1992 voting percentages of the 32 Charter Commission questions in his handout. He went on to explain the complexity of questions and used an example question from Maui County 2002 ballot question. Lastly Mr. Takahashi covered the publication of the proposed amendments. He stated the State of Hawaii had problems because certain proposed Constitution Amendments were not published in the newspaper. Mr. Takahashi advised the Commission and Staff regarding the 45 days deadline for publishing the Proposed Amendments, which is Primary Election day, September 23, 2006 and needs to be published on or before this date. He went on to say in accordance to the RCH Section 15-105, the Charter Commission is required to publish a brief digest as opposed to the City Council when they publish something it has to be done at length. Mr. Takahashi stated under Federal Election Law, the Charter Commission is also required to publish any proposed charter in three languages, Chinese, Japanese and Ilocano, which are usually done in language newspapers and offered their assistance to work with staff. He presented to Chair Takaki a copy of the 1998 General Election 8 Charter Amendments.

(COMMISSIONER SULLIVAN ARRIVED)

Commissioner Myers asked Mr. Takahashi for a copy of the 1998 General Election 8 Charter Amendments as well as questions that relate to the Charter Commission budget. Commissioner Myers asked Mr. Takahashi for clarification regarding language translation of the Proposed Amendments if the City Clerk's office has an in house service or if the Charter Commission needs to budget these translations as an expense. Mr. Takahashi responded the Charter Commission would have to budget the translations as an expense and gave a ballpark figure of \$6,000 per language when they do the translations for the City Council and advised Commissioner Myers by practice they use the language newspapers to translate and publish in their newspaper. Commissioner Chang asked Mr. Takahashi if he had similar information regarding the 1998 Charter Commission proposed amendments regarding voter drop-off. Mr. Takahashi responded he would be able to provide the information to the Commission. Commissioner Mikulina asked Mr. Takahashi what determines the order of the ballot amendments. Mr. Takahashi responded however the Commission sends the Charter Amendments to the City Clerk's office will be how they are placed on the ballot in the same order. Chair Takaki asked Mr. Takahashi if there were any correlation between the percentages of blank votes versus whether an amendment passes? Mr. Takahashi responded by looking at the data most would generally pass even with high blank vote percentage.

5. Discussion and Action – Initial Discussion and Vote on Proposal Items:

DISCUSSION:

A. RELATING TO INITIATIVE

1. **PROPOSAL 26** - Initiative; Remove the limitation on initiative power regarding levy of taxes.

The following individuals testified:

1. Mary Pat Waterhouse, Director, Budget and Fiscal Services (Oppose)
2. Tom Heinrich
3. William Woods-Bateman (Oppose)
4. Frank Streed, Senior Aide, Office of Councilmember Gary Okino (Oppose)
5. Stan Fichtman, Staff, Office of Councilmember Charles Djou (Support)
6. Robert Kessler, Co-Chair, Let Honolulu Vote (Support)
7. Paul Smith, Co-Chair, Let Honolulu Vote (Support)
8. Michael Abe, Oahu Democratic Party
9. Charles Carole, League of Women Voters
10. Shannon Wood
11. Thomas McDonald

Written testimony:

1. Paul Smith, Co-Chair, Let Honolulu Vote (Support)
2. Bob Kozuki (Support)
3. Robert Kessler, Co-Chair, Let Honolulu Vote (Support)
4. Marian Grey (Support)
5. Richard Hough, Veteran, Defense Analyst (Support)
6. Ronald Heller (Support)
7. Mary Pat Waterhouse, Director, Department of Budget and Fiscal Services (Oppose)
8. Nancy Thomas (Support)
9. Garry Smith (Support)
10. Councilmember Gary Okino, City Council (Oppose)
11. Mike Abe, Oahu Democratic Party (Oppose)
12. Thomas J. Macdonald (Support)
13. Councilmember Charles Djou, City Council (Support)
14. Charles Carole, League of Women Voters of Honolulu (Support)

Mary Pat Waterhouse testified in opposition to proposals 26 and 65 as they are similar. She highlighted her written testimony. Ms. Waterhouse stated in 1982, over 30,000 signatures were gathered requesting voters of the city be given the right to propose ordinances under the initiative process. The proposal was placed on the November 1982 ballot and approved by the electorate. She went on to say in the transmittal letter submitted by Mary-Jane McMurdo, Chairman of The Initiative Committee dated August 31, 1982 (Attachment to her written testimony) to Council Chairman Rudy Pacarro and members of the City Council, it specifically noted the proposed amendment is “expressly limited in scope in that the power or initiatives shall not extend to any ordinances authorizing or repealing the levy of taxes, the issuance of bonds, the salaries of county employees or officers, or any matter governed by collective bargaining contracts.” (emphasis added) Ms. Waterhouse clarified the reason for not extending ordinances by initiative power to taxation. She

stated the proponents of the initiative process realized the city would not be able to formulate a valid fiscal plan if outside forces could later change revenue sources. In particular, the city would be at risk of not meeting its charter obligation to pass a balanced budget. She went on to say the City's entire budget process could be rendered useless, thus placing the city in jeopardy of not being able to meet its obligations.

Tom Heinrich testified he is inclined to support status quo on the issue but supports the proposal moving forward for further public input. Mr. Heinrich went on to say there is no initiative power regarding the levy of taxes and budgetary matters. Also if we were allowed the initiative power regarding the levy of taxes, then it would seem appropriate to also allow the initiative power regarding the appropriation of money. He stated when looking at Section 3-401 to bracket out the immediate next clause because it would seem the proposal went with the levy and then what those monies might be used for. Mr. Heinrich went on to say the State does not allow the use of the initiative powers for budgetary matters. He read the Hawaii Revised Statutes (HRS) 50-6, Duties and functions of the Charter Commission's first sentence with emphasis. Mr. Heinrich stated arguably the proposal is not a more efficient and responsible form of government to allow the use of the initiative power regarding the levy of taxes and any other budgetary matters. He went on to say he would support Proposal 26 and not support Proposal 65 as they are similar. Commissioner Lendio asked Mr. Heinrich isn't the two particular proposals contrary to the State Constitution, which exclusively gives the power of taxation to the counties? Mr. Heinrich responded he could not answer the question but could immediately make the distinction between the power and real property taxation compared to the General Excise tax, VAT etc. Commissioner Lendio stated she believes the State Constitution gives the power to the counties for the taxation of Real Property tax. Commissioner Lendio went on to say the proposal is to take out the clause "levy of taxes." Commissioner Lendio then stated, shouldn't the State Constitution be changed first before they change the Charter? She went on to say if the Charter is changed and it proceeds forward, the City would be sued stating they are preempted by State Law and therefore the Charter Commission would have gone through this exercise for an academic discussion on what they feel is really for property tax. Commissioner Lendio stated her difficulty with the two particular proposals because of the Hawaii State Constitution and believes there is a pending lawsuit before the Hawaii Supreme Court on the exact issue regarding Kauai who did pass an initiative in the same regard. She went on to say it would not be responsible to allow the proposal to go forward, when there are major legal obstacles and suggested to start with amending the State Constitution before amending the Charter. Mr. Heinrich added he served as staff attorney for two prior Chairs of the State Senate Ways and Means Committee, everyone has the opportunity to request through the normal bill process any such changes.

Bill Woods-Bateman testified in opposition to Proposals 26 and 65. He went on to state his opposition is the issue of taxation, which is only one element of the entire concern the government has to deal with operations. Expenditures, natural disasters, unexpected government issues are too complex on a single issue such as capping or doing anything on taxation singularly. Mr. Woods-Bateman added there are other opportunities of recourse related to hearings, legislative actions, recall and

other issues that can address the issue that people feel are unfair. He went on to say this would do a great disservice having this in the City Charter.

Frank Streed, Senior Advisor to Councilmember Gary Okino testified on behalf of Councilmember Okino in opposition in both proposals 26 and 65. He went on to state Councilmember Okino asked that he confirm that the Commissioners have copies of his written testimony which detailed Councilmember Okino's concerns and emphasized the adverse impacts the proposals would have to formulate and implement an effective fiscal policy, and urged the Commission to oppose the proposal to move on for further consideration.

Stan Fichtman, Staff of Councilmember Charles Djou read Councilmember Djou's written testimony regarding Proposals 26 and 65 into the record. Chair Takaki asked Mr. Fichtman his position regarding Commissioner Lendio's earlier statement regarding the Kauai County passed a similar proposal and are currently under litigation? Mr. Fichtman responded they would have to look into the situation.

Robert Kessler, Co-Chair, Let Honolulu Vote testified in support of proposals 26 and 65 as they are similar. He stated he stood by his written testimony and highlighted a few issues. Mr. Kessler advised the Commission he's currently personally involved in an initiative and stated the initiative process is cumbersome, tedious and doesn't lend itself to frivolous action of a handful of disgruntled citizens. He went on to say the proposed change to the Charter would not hinder the city government in carrying out its duties provided the subject of the initiative doesn't have widespread support in the communities and the government is listening to the people. Mr. Kessler went on to talk about the system of government is built on the principles that government derives its just powers from the consent of the governed and there is no more significant power granted to the government than the power to confiscate taxpayer's money for taxes. He went on to say any government who abuses its taxation power or use it unwisely, that the power must be amendable or revocable by the governed and is stunned the City Charter currently has wording that denies that right to the citizens. Chair Takaki asked Mr. Kessler the same question he asked the similar question he asked earlier relating to the Kauai County's ongoing litigation. Mr. Kessler responded the only comment he had is they don't know how the litigation would turn out as he doesn't have any legal background and is unable to respond to the question.

Paul Smith, Co-Chair of Let Honolulu Vote testified in support of proposals 26 and 65 as they are similar. He read his written testimony into the record. Mr. Smith noted the proposal would amend the charter to guarantee Honolulu voters the right to call an initiative ballot measure on tax matters by deleting the existing restriction. He commented on an earlier question raised, City and County has the authority to levy property taxes and to levy a charge on the general excise tax if they have that authority, those are the only two taxes he would expect would be subject to ballot initiative because those are the only taxes authorized to the county. Commissioner Lendio asked Mr. Smith if Mr. Heller was part of his organization, Let Honolulu Vote? Mr. Smith responded no, but he does serve on the Tax Foundation of Hawaii where Mr. Heller is a board member of the foundation. Commissioner Lendio stated she was interested in Mr. Heller's opinion since he is a fellow attorney. Mr. Smith

responded he did not see his testimony and asked Commissioner Lendio what Mr. Heller's position was on the proposals. Commissioner Lendio responded Mr. Heller was pro, stated she was interested in his thoughts whether the proposals would be in conflict with the Hawaii State Constitution if the Charter Commission allowed the proposal to be passed by the voters only to disappoint a year from now when everything fails and the Charter needs to be revised again. Mr. Smith responded his earlier comment the State Constitution and State Legislature has granted full authority to the County for levy of property taxes and recently a surcharge on the general excise taxes. He went on to state those are the only two taxes the county has full authority to levy. Commissioner Lendio stated in her legal experience and looking at the Hawaii State Constitution Article 8 Section 3, would seem an initiative process would be contrary to that particular part of the Constitution. She stated the proposal looks like an initiative allowing the electorate to make a decision regarding the levy of taxes would be ruled unconstitutional under the current Constitutional scheme and not allowing the county which she feels is the administrator of the county to levy the taxes. Commissioner Lendio stated perhaps the Kauai case would help the rest of the State to understand the schematic of the proposal they passed. Mr. Smith responded his understanding of the Kauai litigation is completely different it's not related to, first of all authorizing a initiative on tax matters and secondly, having a ballot initiative measure put forward. He went on to state they will see what will happen on the ruling but the process the Honolulu Charter Commission is following is quite different than the process for Kauai. Mr. Smith went on to say if the charter is changed whether by the Charter Commission or by initiative, the charter would then authorize the county to permit an initiative and then the process would be different from the way the Kauai operation has taken place. Commissioner Sullivan wanted to clarify he was aware there is an initiative process in the City and County of Honolulu. Mr. Smith responded in the affirmative and stated not for taxes. Commissioner Sullivan asked Mr. Smith regarding the list of cities "Initiative Availability in the 20 Largest Cities, 2000" included in his written testimony and asked Mr. Smith if he was aware of any county that established initiative authority over taxation where the state has not established that authority. Mr. Smith responded he does not know. Commissioner Tom clarified that Mr. Smith is a member of the tax foundation. Mr. Smith responded in the affirmative. Commissioner Tom then asked if the Tax Foundation has taken a position on the matter? Mr. Smith responded they have not. Commissioner Tom then asked for clarification of the 20 largest cities information included in his written testimony, when stating initiative availability was he talking about their ability availability to have initiative on taxes? Mr. Smith responded in the affirmative.

Michael Abe representing the Oahu Democratic Party testified in opposition. Chair Takaki asked Mr. Abe if the organization he represents is in opposition to the initiatives in general or the specific that relates to the power of levy of taxes? Mr. Abe responded they are opposed to the specific initiative dealing with levying of taxes.

Charles Carole testified on behalf of the League of Women Voters of Honolulu in support of the proposal.

Shannon Wood testified in opposition of the proposal.

Thomas McDonald testified in support of the proposal.

2. **PROPOSAL 65** - Initiative; Remove the limitation on initiative power regarding levy of taxes.

The following individuals testified:

1. William Woods-Bateman
2. Paul Smith, Co-Chair, Let Honolulu Vote (Supports)
3. Lawrence Ebel (Support)
4. Mike Abe, Oahu Democratic Party (Oppose)

Written testimony:

1. Paul Smith, Co-Chair, Let Honolulu Vote (Support)
2. Bob Kozuki (Support)
3. Robert Kessler, Co-Chair, Let Honolulu Vote (Support)
4. Marian Grey (Support)
5. Richard Hough, Veteran, Defense Analyst (Support)
6. Ronald Heller (Support)
7. Mary Pat Waterhouse, Director, Department of Budget and Fiscal Services (Oppose)
8. Nancy Thomas (Support)
9. Garry Smith (Support)
10. Councilmember Gary Okino, City Council (Oppose)
11. Mike Abe, Oahu Democratic Party (Oppose)
12. Thomas J. Macdonald (Support)
13. Councilmember Charles Djou, City Council (Support)
14. Charles Carole, League of Women Voters of Honolulu (Support)

William Woods-Bateman testified in support of the proposal.

Paul Smith represent Let HonoluluVote testified in support of the proposal.

Lawrence (Bud) Ebel testified in support of the proposal.

Mike Abe of the Oahu Democratic Party testified in opposition.

ACTION:

A. RELATING INITIATIVES

1. **PROPOSAL 26** - Initiative; Remove the limitation on initiative power regarding levy of taxes.

ACTION – Proposal 26 to move on for further consideration – motion failed.

Moved by Commissioner Myers, seconded by Commissioner Lendio. Discussion followed.

Commissioner Lendio stated she would be voting against proposals 26 and 65. She has concerns about changing the charter that would be preempted by the State Constitution Article VIII, Section 3. Commissioner Lendio went on to say she believes the Constitutional Convention's intent would show the framers of the Constitution intended that the County be allowed to levy Real Property Tax and the County's being the County Council and County government. She went on to say she has concerns that the County would be going down the road for two years and not be able to give the voters the initiative powers they would have unless the State Constitution is changed.

Chair Takaki asked Corporation Counsel to comment on the possible State Constitution conflict that could be caused if the Commission were to move Proposals 26 and 65 forward. Deputy Corporation Counsel Diane Kawauchi responded if the pending Supreme Court case addresses this particular issue because there are many questions in the Kauai lawsuit, but if they do determine that the Constitution preempts the Charter provision of the nature, the Charter provision would be invalidated.

Commissioner Lendio commented she understands the Kauai lawsuit focuses on the cap, capped taxes. She went on to say it would be different from an initiative process regarding the levy of taxes. Deputy Corporation Counsel Kawauchi responded that was correct and went on to say the question is does it go to the voter's authority to do that versus the County Council. Commissioner Lendio commented that an issue in the Hawaii Supreme Court. Deputy Corporation Counsel Kawauchi responded it's raised as an argument and there are other procedural issues and she's not sure which one the court would rule on be it is pending before the Supreme Court. Chair Takaki asked if there was any time line on when the Supreme Court would make a decision? Deputy Corporation Counsel Kawauchi responded in the negative.

AYES: NONE – 0
NOES: TAKAKI, CHANG, HIRANO, KAWASHIMA, LENDIO, MEDER,
MIKULINA, MYERS, PACOPAC, SULLIVAN, TOM – 11
EXCUSED: COFFEE, GRAU – 2

Motion failed.

2. **PROPOSAL 65** - Initiative; Remove the limitation on initiative power regarding levy of taxes.

ACTION – Proposal 65 to move on for further consideration – motion failed.

Moved by Commissioner Myers, seconded by Commissioner Lendio. No discussion followed.

AYES: TAKAKI - 1
NOES: CHANG, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,

MYERS, PACOPAC, SULLIVAN, TOM – 10
EXCUSED: COFFEE, GRAU – 2

Motion failed.

B. RELATING TO NEIGHBORHOOD COMMISSION

1. **PROPOSAL 9** - Neighborhood Commission; Establish direct relationship between Commission and Executive Secretary.

The following individuals testified:

1. Lynne Matusow, Chair, Downtown Neighborhood Board
2. Linda Ure
3. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
Michelle Kidani, Staff, Neighborhood Commission Office
4. Tom Heinrich
5. William Woods-Bateman
6. William Wilson
7. Debbie Glanstein
8. Jim Corcoran

Written testimony:

1. Lynne Matusow, Chair, Downtown Neighborhood Board
2. Debbie Glanstein
3. Linda Ure
4. William Woods-Bateman

Lynne Matusow testified in support. She went on to say the Downtown Neighborhood feels all the items relating the Neighborhood Commission should be moved forward for further public hearing. Ms. Matusow stated in her individual capacity, the Neighborhood Boards are the grassroots group that speaks as the advisor to the City and went on to say the people should have a say on all of the Neighborhood Board proposals. She stated the Neighborhood Board members do not have any legal representation because they are not officially considered officers of the city so if they should be sued as Neighborhood Board Members Corporation Counsel could decide to represent or not represent the Neighborhood Board Members. Commissioner Lendio asked Ms. Matusow if Corporation Counsel provides legal counsel if they are sued and they are acting within their scope of their Neighborhood Board Commission? Ms. Matusow responded it's up to Corporation Counsel to make the decision on an individual basis. Commissioner Lendio then asked Ms. Matusow, if they are acting within the scope does Corporation Counsel state they would defend the Neighborhood Board Member? Ms. Matusow responded they don't know because the Corporation Counsel could go either way and it's a matter that has been bothering the Neighborhood Boards for years. Commissioner Lendio clarified her question to Ms. Matusow, she asked Ms. Matusow if there were any instances in the Downtown Neighborhood Board where one of the members were sued and was determined by Corporation Counsel that they were acting within their scope of their duties and then was denied representation? Ms. Matusow responded they have not been sued. Commissioner Sullivan asked Ms. Matusow for

clarification of her testimony. Was she testifying on behalf of the Downtown Neighborhood Board? Ms. Matusow responded the Neighborhood Board took the position to have all the Neighborhood Board Proposal to go out to the public and did not take a particular position on any of them. Ms. Matusow went on to say her testimony relating to the Corporation Counsel was on behalf of herself as an individual.

Linda Ure read her written testimony into the record. She is in opposition to Proposal 9.

Joan Manke testified in opposition. She summarized her written testimony into the record. Commissioner Myers asked Ms. Manke if Mayor went out to the Neighborhood Boards to get their input on which they would like to see in that position. Ms. Manke responded being the new Acting Executive Secretary she referred that question to Michelle Kidani of her office. Ms. Kidani responded she doesn't know the answer, but went on to say it doesn't prevent the Neighborhood Board s from making recommendations.

Tom Heinrich testified in opposition to Proposal 9. He addressed Commissioner Myers' previous question to Ms. Manke. Mr. Heinrich stated Commissioner Myers' question is one that goes to the heart of the many frustration of many of the Neighborhood Board Members. He went on to say there is a great gap between what has been the Administration in the past and the selection of the Executive Secretary and on the other hand, the role or lack of clarity as to the role of the Neighborhood Commission as established by Article XIV of the Charter and the role of the 32 Neighborhood Boards which he feels are orphans in many respects. Mr. Heinrich commented he feels a lot of the Neighborhood Board proposals could be consolidated in Proposal 80 and some are duplicative of other proposals. He noted the all of the proposals comes down to the powers, duties and functions of two categories, the Neighborhood Commission and the Administrator of which he would like to call the role of the Executive Secretary that of an administrator because the party that is least served is the historically by the Executive Secretary is the Neighborhood Commission. He went on to say it's contradictory of what happens on a day-to-day basis because the majority effort of the Neighborhood Commission Office is serving the Neighborhood Boards in administrative functions.

William Woods-Bateman read his written testimony into the record. He is in support of Proposal 9.

William Wilson testified in opposition. He noted this is covered in other proposals that leave the authority with the Mayor and should remain with the Mayor and he believes the Commission should have leverage to evaluate the Secretary and make a report to the Mayor but doesn't believe they should have the authority to terminate.

Debbi Glanstein stands on her written testimony. She urges the Commission to be very careful and look at not only at the individual testimonies from the various testimonies but also the City Clerk's. She went on to say what the City Clerk has told the Commission today is establishing the framework and putting these matters before the public and unless the public understands and can read the likelihood would be a lot of blanks and "no's". Chair Takaki asked Ms. Glanstein if she is in favor or opposition to Proposal 9? Ms. Glanstein responded her testimony is general and referred to certain very specific proposals.

Jim Corcoran testified in opposition.

******COMMISSIONER TOM LEFT (3:30 p.m.)**

2. **PROPOSAL 10** - Neighborhood Commission; Clarify the policy and policy role of the Neighborhood Commission

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. William Woods-Bateman

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Linda Ure
3. William Woods-Bateman
4. Lynne Matusow
5. Debbi Glanstein

Linda Ure testified in opposition. She continued to read her written testimony into the record.

Joan Manke read her written testimony into the record. She is in opposition to this proposal.

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Tom Heinrich testified in opposition to this proposal. He stated he hoped it would be the practice that the Neighborhood Commission and the Neighborhood Boards would have an opportunity to provide input into the budget process which otherwise is only directed by Budget and Fiscal Services and the Mayor. He commented there are several different proposals, which he feels could be best consolidated into the framework that is set out in Proposal 80. He went on to say there are one or two distinctions in Proposal 10 that should be considered in looking on Section 14-103 and further articulating the powers, duties and functions of the Neighborhood Commission. Mr. Heinrich stated similarly as set forth in Proposal 80 other powers; duties and functions need to be stated for the first time for the Administrator because of the unique role of the Administrator for the Neighborhood Commission office and the Neighborhood Board System. He went on to say there is a great consistency between some of the proposals of the powers, duties and functions but there is a distinction to be made as to the vocabulary as to whether this a department or whether this is the "Neighborhood Commission" which in the language of the charter would continue in his view, as a "semi autonomous agency".

William Woods-Bateman continued his discussion regarding the general concepts of all of the Neighborhood Board Proposals but would focus on the pertinent

information in Proposal 10. He recommended that if the Charter Commission tried to adopt a conceptual position as a review of the proposed amendments with a specific outcome, to move the amendments that are objective in eliminating have two bosses and authorities involved with the Neighborhood Commission. This would fully address the concerns and there are several amendments that promote clarifying specific duties and responsibilities of the Commission, which needs support to the hearing process. Some are better than others but all the duties and responsibilities are important and real and need to be consolidated at hearing stage and some unimportant elements are contained in others. He went on to say he supports Proposal 10 as the vehicle for that and feels that this compares to current duties and functions of the Fire Commission which are actually the activities that are taken on in the Neighborhood Board Office during the year but clearly puts them under the Commission's authority so that they would have the actual responsibility to review the things in advance with planning. Mr. Woods-Bateman stated there are things that are sent out of the office that the Commission hasn't seen and the budget is one of them, which they have to testify for the Neighborhood Board and Neighborhood Commission. He noted the Commission oversees 500 plus people who are elected and also coordinates the election of the Neighborhood Commission body and to have administrative concerns dictating policy and actions that impact their offices and duties and responsibilities he feels is inappropriate action. He asked the Commissioners to vote in favor for Proposal 10.

Commissioner Meder stated point of clarification that their policy is that whatever proposal is passed at this meeting would be going to public hearing and then the language would be edited and this would not happen before the public hearing.

3. **PROPOSAL 12** - Neighborhood Boards; Recognize that each neighborhood has its own distinctive character.

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. Kathy Bryant-Hunter
5. William Woods-Bateman
6. Jim Corcoran

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Kathy Bryant-Hunter and William Wilson, Kailua Neighborhood Board
3. Linda Ure
4. William Woods-Bateman
5. Debbi Glanstein
6. Lynne Matusow

Linda Ure testified in support of Proposal 12, which focuses on Section 14-101 and recommends amending the current language to say, "recognizing that each neighborhood and neighborhood board has its own distinctive character." She suggested that although staff is not prepared to make any insertions or

deletions at this time but wanted to make sure that it says it is the “neighborhood board” that is distinct in its character because of its land use, environmental issues and how it approaches things and it is not the neighborhoods because they tend to use that very negatively. Chair Takaki asked for clarification from Ms. Ure that she is in support of moving forward Proposal 12 if the Commission amends the language. Ms. Ure responded yes because her suggestions give a better description of what a Neighborhood Board is and why it is unique. Commissioner Lendio addressed Ms. Ure, Commissioner Lendio stated she understands that Ms. Ure is trying to make this proposal a broad policy but asked shouldn’t this be in the Neighborhood Plan instead of in the Charter? Ms. Ure responded if they start in the Charter, it would automatically be in the plan but if it’s not in the charter than they are going to have the Neighborhood Commission in other proposals directing Neighborhood Associations and other organizations and sponsoring them. She went on to say there are other proposals that go into a great deal of depth on some of the other proposals where they are missing the point because Neighborhoods go to the Commission to form a Neighborhood Board and once a Neighborhood Board is formed they can help to assist a Neighborhood Board but they do not assist with her Community Association nor would she want them to because then she would have to apply to the Sunshine Law. Ms. Ure stated it’s another level of the grassroots process; it’s the Community to the Neighborhood Board, to the City and County to the State and to the Federal Government. Commissioner Lendio stated she has difficulty seeing how the language Ms. Ure is proposing is going to get her to that specific end. Ms. Ure responded they don’t want the Commission to be misconstrued as having jurisdiction over neighborhoods because they don’t; only the Neighborhood Board does after it is formed. Ms. Ure went on to say as long as the word remains in the proposal there needs to be some type of language to correct it and that’s the reason for the proposed amended language. Commissioner Lendio responded she understood that Ms. Ure is proposing the amended language and is taking the word “neighborhood” out but asked Ms. Ure why couldn’t they say “recognizing that each Neighborhood Board has its own distinctive character” in the Neighborhood Plan, why is she proposing to put it in a charter amendment? Ms. Ure responded she can’t change the charter to have the word “Neighborhood” taken out if there isn’t a charter amendment. Ms. Ure went on to say she can change the Neighborhood Plan to coincide with the charter should that one word be removed. She commented it’s a sticky word and frightens communities and organizations. Commissioner Lendio commented she understands. Commissioner Lendio asked Ms. Ure for clarification, in the first paragraph is she proposing that they take out the first words “Neighborhood and Neighborhood Boards?” Ms. Ure responded to leave in “Neighborhood Boards”. Commissioner Lendio clarified the amendment would be to take out the word “Neighborhood” in that entire paragraph? Ms. Ure responded only when it refers to the Commission being over a neighborhood, she clarified it’s a neighborhood that goes to the Commission. Commissioner Lendio stated she’s really confused by the proposal.

Joan Manke testified in opposition. She read her written testimony into the record. She suggested maybe the Neighborhood Plan could be the alternative.

Tom Heinrich testified in opposition. He stated to put this in the context of what Commissioner Lendio has asked earlier, he doesn't see how in the first part of that sentence that the term "Neighborhoods" can be removed. He went on to say he has been participating in a comprehensive overhaul of the Revised Neighborhood Plan and stated there are certain portions there that are not necessarily applicable in 2006 but are necessary to be expressed because the process still needs to have a beginning and in that way some determination can be made to 1973 – 1975 which established the neighborhood boundaries. Mr. Heinrich stated once those neighborhood boundaries were established then interested electors in those neighborhoods then knocked on the door and went through the rest to establish a board. He stated he is opposed to this proposal, while he appreciates the face of what the proposal says he feels it may have come through a lot of the discussions having to do with the revision effort for the plan because one of the statements most consistently made is "we recognize the local flavors", the local flavors of each board so that there is flexibility within the plan as to what the boards must do in terms of quorum and other requirements and also how each board conducts its discussion is unique to those boards." He went on to say that can best be expressed in the Neighborhood plan and doesn't see any additional value of the proposed language being expressed in the charter and as well as some of the other ideas the previous speaker was identifying is proposed to be removed from the Revised Neighborhood Plan.

Kathy Bryant-Hunter and Bill Wilson testified in support. Ms. Hunter stated the Kailua Neighborhood Board has taken a strong interest in this issue and formed a Special Committee to specifically work on developing a set of recommendations to the Commission. She commented in October they had a special meeting and passed 6 proposed amendments that have been submitted to the Charter Commission which are Proposals 12 - 17. Ms. Bryant Hunter stated the board passed all of the proposals in a way to take a comprehensive look on how they can fix Article 14. She advised the Commission to look closely at Proposals 12 – 17 because their board tried to address all of the different issues the Commission have heard before them in the most easy to read format as possible so that when it goes before the voters it would be easy for them to read and understand. She added they felt Proposals 12 – 17 addressed the issues they felt that were most important and needed to be put before the voters to strengthen the relationship between the powers, duties and functions of the Neighborhood Commission and the powers, duties and functions of the Executive Secretary, to address the relationship of the boards with Corporation Counsel and to tighten up some of the language where there has been confusion in the past. Ms. Bryant-Hunter encouraged the Commissioners to vote in favor of Proposals 12-17 and felt a lot of the other proposals that are similar could be folded into these proposals and or the language amended as they go through public hearing and the intent of that process is to narrow down the number of proposals to move forward and they could amend as the process could move forward. Commissioner Sullivan asked Ms. Bryant-Hunter to explain by adding the language "distinctive character", what does she feel that would accomplish? Ms. Bryant-Hunter responded they were trying to differentiate between a concept of neighborhoods and the process of neighborhood boards and while they all recognize that neighborhoods are distinct they wanted to make it clear that

neighborhood boards are also distinct in the way they operate. She went on to say they are under the guidance of the neighborhood plan there are distinctions between the neighborhood boards and they wanted make some separation between neighborhoods, which are geographic boundaries, and neighborhood boards, which are an elected body. Ms. Bryant-Hunter commented to the previous question regarding the deletion of the word "neighborhood" would that help? Ms. Bryant-Hunter stated the concern is that they need the neighborhoods to make the neighborhood boards. She went on to say they would not want to delete in from the first sentence because it's also in the title.

Commissioner Hirano asked Ms. Bryant-Hunter aren't the neighborhood boards suppose to be truly effected on their neighborhoods and they have elections based on precincts or sub-districts and are actually supposed to represent the entire neighborhood. Ms. Bryant-Hunter responded in the affirmative. Ms. Bryant-Hunter went on to say some Boards have many sub-districts, some have fewer, some have at-large positions and they are all quite different in how they organize their electoral process and they have some flexibility there.

Bill Woods-Bateman testified in opposition and stated this proposal is unnecessary because much of the language in the proposal is in the Neighborhood Plan and has been historically in the last 30 years. He went on to say the Commission constantly reflects the language at the Commission meetings and testifies about the individual characters of communities, neighborhoods, and of neighborhood boards. He commented he's not sure the terminology being used and didn't want to be negative of the testimony, but the issue is that the terms are generic in terms of neighborhoods in the charter and in other documents. He went on to say it's not a specific or concrete thing and there are no distinct boundaries of what is called a neighborhood, that's their community feeling about it being their neighborhood. Mr. Woods-Bateman stated the only thing that is distinct in terms of law and their frame of reference when working with the Neighborhood Board and the Neighborhood Commission System is the Neighborhood Boards themselves because they are specifically defined by boundary lines and specific map type of issues. He stated other things are much more gray when they talk about them and their love and compassion for their communities and their neighborhoods. He went on to say although this proposal may be positive in some regards, he thinks it's unnecessary in terms of the functions and reality of the way the system is working.

Jim Corcoran testified in support. He stated when the Kailua Neighborhood Board was considering the proposal, they were under heavy pressure from the former Neighborhood Commission Executive Secretary to stamp all of them with a one size fits all requirement. He went on to say that is why the proposed amended language was brought forward and feels that it is necessary to put it in the proposal to prevent it from happening again. Mr. Corcoran commented the first part of the proposal is already in the City Charter, the only suggested amendment in the first sentence would be to delete the words "Neighborhood and". He stated some of the considerations that people had is that the Community Associations within various neighborhoods were afraid this would

somehow bring a Community Association under the ages of the Neighborhood Commission Office and the Neighborhood Commission and that needs to be avoided at all costs.

Commissioner Lendio moved for a 5-minute recess, Commissioner Hirano seconded that motion. No discussion followed.

RECESS 4:01p.m.

****RECONVENED AT 4:11P.M.****

4. **PROPOSAL 13** - Neighborhood Commission; Revise the Powers, Duties and Functions of the Neighborhood Commission..

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Kathy Bryant-Hunter and William Wilson, Kailua Neighborhood Board
4. William Woods-Bateman
5. Jim Corcoran

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Kathy Bryant-Hunter and William Wilson, Kailua Neighborhood Board
3. Linda Ure
4. William Woods-Bateman
5. Debbi Glanstein
6. Lynne Matusow

DRAFT 5/3/06

Linda Ure testified in support. She read her written testimony into the record.

Joan Manke testified in opposition. She stated her remarks are similar as it was to Proposal 10 relating to the direct involvement by the Neighborhood Commission in the day-to-day operations and functions of the Neighborhood Commission Office. She went on to say the Neighborhood Commission office is willing to work closely with the Commission and welcomes the opportunity to receive and address any concerns and deal with any of its personnel issues. Ms. Manke stated as far as the budget review and recommendation that is already in place.

Tom Heinrich testified in support and that this proposal is identical to Proposal 10. He commented he thinks this proposal could be consolidated to his preferred Proposal 80. He went on to say for the public hearing purpose he supports this proposal to move forward for more public input and that the consolidation of proposals could be made after the public hearings in order to fine tune particularly the distinction between the Neighborhood Commission and better specifying the powers, duties and functions for the Commission and adding for the first time powers, duties and functions specifically for the Executive Secretary or the

Administrator.

William Wilson testified in support. He read their written testimony into the record.

William Woods-Bateman shared information about the process of setting up a Neighborhood Board meeting. He stated it is really difficult in some cases to do things they have to do and the system that backs them up which is the Neighborhood Commission who gives them the authority and the lines to try to treat things that are important to them. He went on to say when there's disconnect between the staffing that is suppose to carryout those lines of responsibilities and duties, it is really difficult. Mr. Woods-Bateman stated this proposal is insufficient to address the real core issues of the situation. He went on to say it still allows for the conflict of authorities, it acknowledges that there's an authority that will set the policy, do the Neighborhood Plan, do the elections but not have direct authority over the people that would carry that responsibility out and another authority is clearly designated to direct the staffing and support. Mr. Woods-Bateman commented it's inconceivable when looking at the public or private sector to have two bosses who may have similar ideas but inevitably have different purposes by the fact they have different authorities and the influence of one over another has to be relevant. He went on to say the issue of the Commission having the responsibility under the charter to build the program for community participation and support and staffing, but the staffing and support isn't under their jurisdiction is a problem. Mr. Woods-Bateman stated if the problem is not addressed now and the language is amended to make it sound good, it is still going to be the fact and has happened for over 30 years and would continue. Commissioner Kawashima asked Mr. Woods-Bateman if he supports the proposal? Mr. Woods-Bateman responded he doesn't.

Jim Corcoran testified in support. He commented he disagreed with the previous statement about the concept that the Neighborhood Commission Office has authority over the Neighborhood Boards. He went on to say he also disagrees that they cannot have two bosses in this case and stated this isn't a business they are talking about. The Neighborhood Commission Executive Secretary answers to the Managing Director of the City who is their boss and the Neighborhood Commission is just that, it's a Commission.

5. **PROPOSAL 14** - Neighborhood Commission; Give the Executive Secretary non-voting membership on the Commission.

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. Kathy Bryant-Hunter and William Wilson, Kailua Neighborhood Board
5. William Woods-Bateman
6. Debbi Glanstein
7. Jim Corcoran

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Kathy Bryant-Hunter and William Wilson, Kailua Neighborhood Board
3. William Woods-Bateman
4. Linda Ure
5. Debbi Glanstein
6. Lynne Matusow

Linda Ure testified in support. She highlighted her written testimony into the record. She commented the Neighborhood Boards have gone through a year where the person holding the position was reading the Draft Neighborhood Plan 1999 – 2006 which is a blank document until adopted and applying that to Neighborhood Boards instead of just using with the 54 page document that was already had. Ms. Ure stated it was confusing and there was no way to get it across. She clarified they are suggesting that having served a year on a Neighborhood Board in some capacity may help and to give something else to the Commission would be to allow a non-voting membership. Commissioner Lendio asked Ms. Ure for clarification, non-voting membership position to the Commission she said that would give that person a stake and they would listen better, is that the reason for that particular clause? Ms. Ure responded it allows them to be paying more attention to what's going on because they do have a stake, they are a part of the body though they don't have a vote they do have a voice. Commissioner Lendio asked Ms. Ure isn't that the job of the Executive Secretary already, to have that voice? Ms. Ure responded the Executive Secretary in her opinion from attending the Neighborhood Commission meeting gives a report, or doesn't give a report, give a written report or not, does the agenda or not, or puts something on or off the agenda arbitrarily. Commissioner Lendio clarified how Ms. Ure envisions the amendment to be executed to have the Executive Secretary to give opinions to the other members of the Commission. Ms. Ure responded it's totally appropriate, her opinion is that they have no vote. Ms. Ure went on to say when they give their opinion more freely and not just giving the opinion of only the Administration, but giving their opinion of what they think of something before the Commission. They would not be able to vote but are able to participate in the dialogue. Commissioner Lendio responded she understands what Ms. Ure is saying but doesn't see it as an enforcement mechanism for actually having the person to do what Ms. Ure is asking them to do. Ms. Ure responded she did not ask for it to be an enforcement mechanism. Commissioner Lendio then said enabling mechanism. Ms. Ure responded it gives an investment, they are investing in the process. Commissioner Lendio asked Ms. Ure, isn't that the Executive Secretary's job already? Ms. Ure responded you would not find it in the Neighborhood Plan or the Charter that states that's the job. She went on to say the job is something the Managing Director can make up tomorrow that is different from today because there is no code. Ms. Ure stated every other department manager can have something in the charter such as qualification, experience, waive their confirmation, but this doesn't happen with the position of the Executive Secretary of the Neighborhood Commission. Commissioner Lendio stated her concern is that it is getting so restrictive with the restrictions they want to put on this particular position. She gave an example if she applied for the position, she was

former Corporation Counsel for the City & County, is aware of how they Neighborhood Boards are run but did not serve one full term on a Neighborhood Board. Would that restrict her from becoming the Executive Secretary? Commissioner Lendio stated it doesn't in the proposed charter amendment. Ms. Ure responded if this charter amendment was to pass the voters of Oahu and they say that like all but that part, then it would be the same as it is now with some boundaries about how they assist, who they assist and when they assist with the fact that they have two bosses and they still wear two hats. But the Neighborhood Boards are protected, the Neighborhood Commission is protected and everything gets out on time, the minutes are recorded, budgets are in place and the fees are paid. Ms. Ure stated they are asking to define the boundaries for that position to be an assistant to one group and assistant to another group and not micromanaging, she thinks they would actually accomplish something. She went on to say if they happen to have to been a board member before that would be great, but not necessary. Commissioner Lendio stated her concern is that there's this reaction to one specific person that occurred in the past couple years, and the Commission is there dealing with the Charter which is like a constitution of the City and if they regulated and nitpicked on every single thing because they are upset with what happened one discrete or a systemic problem with the system that tinkering with the Charter on these specifics would get convoluted when they go to the voters and say this is the reason they want certain things put into the charter. Commissioner Lendio stated for herself its difficult for her to grasp the concept they had worked very hard and she acknowledges that, but the Commission is trying to amend the Constitution of the City and people are getting so specific because people are getting upset at what occurred. Commissioner Lendio commented she doesn't blame them for that and sees what she is saying but doesn't know if changing the charter would do that. Ms. Ure responded she understands that Commissioner Lendio is having a hard time with the proposal but it's the lack of specificity that created the problem and this lack of specificity did not exist for other department heads, other commissions, executive secretaries or executive directors because they had certain boundaries and knew their boundaries.

Joan Manke testified in opposition. She read her written testimony into the record. Commissioner Lendio stated the Charter Commission has received a lot of generation of specific things to change the Charter and asked Ms. Manke if her office have looked at these particular things and addressed them in regards to the Neighborhood Boards. Commissioner Lendio went on to say she's afraid that they would have 10-15 ballot amendments simply on the Neighborhood Board and they would be numbers 30-45 and the voters are going to get fatigued and not be able to read and the people in the Neighborhood Board really want relief because they are upset at what happened in the past and would not get the relief because the voters won't understand what's trying to be passed or why or perhaps may not reach that number of a ballot amendment. Commissioner Lendio asked Ms. Manke if she has a plan to address these specific concerns of the neighborhood board that she has in the short time she has been there. Ms. Manke responded some of the issues has been brought to her attention and the administration has looked at it to see how they can overcome them. Ms. Manke went on to say in her short tenure with the department she does want to address

them so that there is resolution. Commissioner Lendio asked Ms. Manke if she has been confirmed by the City Council? Ms. Manke responded no she has not and is going through the process right now.

Commissioner Chang commented Ms. Manke's history for serving for government she would be a person that would be very receptive with working with various communities. He went on to say a lot of the proposals that are before them and there are a few more have all originated from what Commissioner Lendio pointed out that there was a enormous amount of frustration that was built up for whatever reason. Commissioner Chang commented he takes it that she understands that and would be willing to work with Commission and the other Board Members relative to these types of issues. Ms. Manke responded that is correct and she looks forward to the opportunity. Although she can't speak to the management style of the previous administrators, she looks forward to open communication, to listen and see how they can work collaboratively. She went on to say she's had that experience, she's a good listener and believes she is very fair and would like to bring that to her position.

Tom Heinrich testified in opposition. He stated he doesn't understand some of the language that is proposed, what the term "administrative purposes only" means because that doesn't seem to be consistent with how that phrase is used elsewhere in the charter. He went on to say he commented earlier about the suggestion of serving one full term service on the Neighborhood Board and the necessary qualification factor for the Executive Secretary and feels that it is not appropriate for the Charter.

William Wilson testified in support. He stated there have been a lot of testifiers in opposition. He commented he is representing the Neighborhood Board and recommends that this proposal move forward and that that Executive Secretary has no voting rights and has served one full term on the Neighborhood Board. He went on to say he thinks that would give greater feeling for the Neighborhood Board, how they operate within the neighborhood and there are over 4,000 candidates to choose from for the selection of Executive Secretary. He urged the Commission to move this proposal forward.

William Woods-Bateman testified in opposition. He stated one of the things about a non-voting member is that it would give a right to the Executive Secretary to be a part of the Executive Session, which is with legal counsel, and part of legal counsel's job may be to review their role. He went on to say so many conflicts have occurred and existed for 30 something years and this is not new. Mr. Woods-Bateman commented on the issue about personality and Joan Manke has been brought up and Mr. Woods-Bateman stated he likes Ms. Manke and has worked with her on many things and commented this proposal isn't about her. He went on to say the fact that she has two bosses is part of the problem but she really has three bosses because she also is on the cabinet. He stated she goes to the cabinet with the direction and emphasis and mandate of the administration to do whatever the managing director and whatever she agrees to or the administration wants her to do with the Commission that she's theoretically

responsible for, but that is not the way it functions in reality. Mr. Woods-Bateman stated this needs to be addressed. He commented he does support and a number of the neighborhood boards do support having a full term on an elected neighborhood boards. He went on to say that's not the greatest of issues, it could be addressed simply if they supported the issue of having the appointment move over to the Commission then the rule for hiring by the Commission could be established whether that's important or not. Mr. Woods-Bateman commented Ben Kama and a majority of others who have served in this position have served on Neighborhood Boards. He went on to say that it was surprising that the last Executive Secretary did not have any experience and never been to a neighborhood board meeting and that may be that's why some of the dilemma and problems that occurred last year. He commented in the practice of the previous administration generally speaking, they have gone to people who have had prior experience serving on the Neighborhood Board but doesn't think that's the absolute thinking but thinks that could be done by rule making and moving over the appointment to the Commission.

Debbi Glanstein testified in support. She stated the issue was raised of certain particulars in the Charter and commented in terms of Article XIV, the first amendment to Article XIV there was a change in the mission statement and expanded so that not only could neighborhood board involve people to make decisions of the city now it involves the decisions of government, that was passed by the electorate. She went on to say secondly was to ask that at least one member of the Commission shall have served one full term on the Neighborhood Board. Lastly which was just passed by 74% of the electorate in the 2004 election was that a majority of those serving on the Neighborhood Commission should have served one full term on the Neighborhood Board. Ms. Glanstein stated in her testimony she has asked for a gradual approach because she feels that's the way it's going to work and if they start hitting the voters with too much at one time, they'll vote no or they'll leave it blank because that has happened. She went on to say the term "shall have served one full term" she feels it's not needed and it should be one of the recommendations that be made to the Managing Director regarding any person serving subsequent to Joan Manke at the confirmation hearing.

Jim Corcoran testified in support. He commented he thinks it's a misperception to think the changes have come out from various boards based on just one tenure of one person. He stated he has served on the Board with no fewer than two different Executive Secretaries. He commented he attended Kailua Neighborhood Board Meetings for a year before running for the board and thought he understood how the board operates and commented you don't know really what it is like until you have done it.

6. **PROPOSAL 15** - Neighborhood Commission; Specify the Powers, Duties and Functions of the Executive Secretary.

The following individuals testified:

1. Linda Ure

2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. William Wilson
5. William Woods-Bateman
6. Jim Corcoran

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Kathy Bryant-Hunter and William Wilson, Kailua Neighborhood Board
3. Linda Ure
4. William Woods-Bateman
5. Debbi Glanstein
6. Lynne Matusow

Linda Ure testified in support. She read her written testimony into the record. Chair Takaki asked in her written testimony items (a) – (f) are any of those currently being done by the executive secretary. Ms. Ure responded within the four days that Ms. Manke has been in the position; she could not answer his question. She went on to say she has had experience with previous Executive Secretary Ben Kama and Baybee Hufana-Ablan, but not entirely. Ms. Ure commented the Commission Office is supposed to assist the Neighborhood Commission and the Neighborhood Boards and when that falls apart they are not able to keep up with the Sunshine Law and that's when the September 13, 2005 Office of Information Practice public document is all about.

Joan Manke read her written testimony into the record.

Tom Heinrich testified in support. He stated the position description as Ms. Manke testified is not in the Department of Human Resources where it should be but in the Managing Director's Office that is printed as a note in the draft revised Neighborhood Plan 2006. He commented he doesn't know who prepared that and the position description has so many things that he feels is impossible for any person to do which he feels is a problem with the position description. He went on to say Proposal 15 also goes on to one of the fundamental issues that is, what is the role or powers, duties and functions of the Administrator? Mr. Heinrich stated the Neighborhood Commission is unique in the Charter. He stated there are other Commissions but no other Commission or Department has 32 boards below it, all of whose members are elected and the Neighborhood Commission Office has to provide administrative services and other types of things. Commissioner Chang commented philosophically he doesn't see a place for a specific job description in the Charter. Commissioner Chang asked Mr. Heinrich what if the suggestion that was made that it is more appropriately should be done at the Managing Director's Level or the Department of Human Resources? Mr. Heinrich responded the thing he has with that conceptually is based on the structure of the Charter and secondly the role and historic performance of the Neighborhood Board System. He went on to say he would argue the overall effort is very consistent with trying to set forth the general duties, not the position description, but getting into the primary responsibility for example the Fire Chief, Police Chief or Liquor Administrator.

Commissioner Sullivan asked Mr. Heinrich for clarification he testified in opposition to the prior proposed amendments that she thought was also in "section f" of this proposal and asked if he is agreeing with that concept too? Mr. Heinrich responded he does not, but in light of earlier discussions there are some really good elements that are set forth and the language could be amended after public hearing into a consolidated proposal. He went on to say there are certain points like "Section F" that he does not agree with but in terms of allowing for further discussion he is in favor of moving this forward rather than taking this off the table completely and having these things arise later.

William Wilson testified in support. He stated the proposal recommends 6 duties of the Executive Secretary. He went on to say a person entering into that office would have a brief overview of what is ahead and realize they have other functions within their office. Mr. Wilson gave examples such as under subparagraph b "Direct the preparation of timely responses to complaints generating from the election process." He stated any complaints, there are complaints that are pending from over 5 years and feels these duties need to be outlined and urged the proposal moves forward.

William Woods-Bateman testified in opposition. He stated he believes it unnecessary to move forward and oppose the Executive Secretary's duties and feels it should go under the Neighborhood Plan, which is under the authority and direction of the Neighborhood Commission. He went on to say currently under the charter and not of the provision before the Commission talks about removing the Neighborhood Plan and putting it under any other authority. Mr. Woods-Bateman commented if the Neighborhood Plan is to rule and to be developed exclusively by the commission he feels everything should flow from that including the job description that would be their major staff person.

Jim Corcoran testified in support. He commented for a year he sat and listened to the City Council landfill meetings and remember looking through the City Charter and finding out at that time that the Department of Environmental Services was not responsible for solid waste. He commented it might be appropriate to address certain functions at the Charter level. He goes on to say one of the things they see at the Board level is that if this is put into the City Charter then however the Neighborhood Plan changes and is to be revised every 5 years, they know this is in the Charter for sure and thinks that is part of the motivation for the proposal.

7. **PROPOSAL 16** - Neighborhood Boards and Corporation Counsel; Provide that Corporation Counsel serve as legal counsel to the Neighborhood Boards.

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. William Wilson
5. William Woods-Bateman
6. Debbi Glanstein

7. Carrie Okinaga, Corporation Counsel, Office of the Corporation Counsel
8. Jim Corcoran
9. Clifton Takamura

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Carrie Okinaga, Corporation Counsel, Office of the Corporation Counsel
3. Linda Ure
4. William Woods-Bateman
5. Debbi Glanstein
6. Lynne Matusow

Linda Ure testified in support. She read her written testimony into the record.

Joan Manke testified in opposition. She read her written testimony into the record.

Tom Heinrich commented a previous statement made regarding pre-hearing review by Corporation Counsel, as presently in the Neighborhood Plan is a different issue with the complaint process peculiar to the Neighborhood Plan. He stated his understanding of proposal 16 is what status both the Corporation Counsel and Neighborhood Board members may be given. He commented as Joan Manke referred that the Corporation Counsel already represents the Neighborhood Commission, the Commissioners who are officers of the city, the Executive Secretary and the employees as employees and officers of the city. Mr. Heinrich commented he is unsure what the intent of proposed section 14-107 would be. He went on to say if the intent is to try to provide legal representation to extend that by the Department of Corporation Counsel to the Neighborhood Board members who are not currently officers or employees of the city, he feels the appropriate place would be in Section 5-203 he doesn't think it's appropriate constitutional drafting to try to place this burden in Article 14 if in fact the goal is to try to place that goal on Corporation Counsel, it should be done back in 5-203. He made one other distinction between and officer and someone who is not an officer at the city. Mr. Heinrich stated the Ethics Commission is responsible as well for request for advisory opinions from elected and appointed officers and employees of the City. He went on to say the jurisdiction of the Ethics Commission did not extend to Neighborhood Board members.

William Wilson testified in support. He noted the Commission has their written testimony and as noted there is a backlog of complaints. He went on to say he believes by having some avenue of approaching of legal counsel or having access to any complaints would have cleared up the backlog of complaints. Mr. Williams feels some legal representation is needed. Chair Takaki commented he knows these proposals were submitted by the Kailua Neighborhood Board and as stated earlier by Commissioner Lendio, a lot of the proposals seem to stem from frustration from the big picture with the Neighborhood Commission overall from both the Executive Secretary and the Neighborhood Commission itself. Chair Takaki asked Mr. Wilson if he thinks this proposal could be addressed if they address the Commission's responsibility as a whole? Mr. Wilson responded as Mr. Heinrich testified earlier it

derives and evolves from the Executive Secretary or Administrator. Chair Takaki clarified if there are legal issues with the Neighborhood Board or they have legal question, they go to the Neighborhood Commission who goes to Corporation Counsel? Mr. Wilson responded the Office of Information Practice issues opinions on the subject.

Commissioner Sullivan asked Mr. Wilson for clarification and asked Mr. Wilson if his understanding is the Corporation Counsel does represent the Neighborhood Commission? Mr. Wilson responded yes. Commissioner Sullivan then asked Mr. Wilson if his concern is representation of the Neighborhood Board. Mr. Wilson responded in the affirmative. Commissioner Sullivan clarified currently when the Neighborhood Board has particular issues, they have to ask the Neighborhood Commission to ask Corporation Counsel? Mr. Corcoran and Ms. Ure say no. Mr. Wilson commented the complaints are forwarded to the Neighborhood Commission office and then reviewed by the Corporation Counsel. Commissioner Sullivan asked if the issue is some of the complaints have been stuck or is the concern as a person as a member of the public doing public service that Corporation Counsel should represent individual board members in that capacity? Mr. Wilson asked to defer to someone from the Kailua Neighborhood Board. Chair Takaki asked to finish with the registered speakers and would return to this question at the end.

William Woods-Bateman testified this proposal has both significant merit and problems. He stated he doesn't see anything in this proposal relating to the pre-hearing issues, which is under the Neighborhood Plan and specific agreements with Corporation Counsel to carry out those functions. He went on to say this is about specifically Neighborhood Boards as he reads it. Mr. Woods-Bateman commented this proposal needs to be refined because it conveys defending of actions of the board and the members and should be refined to things they are responsible for or something in that regard. He stated he thinks as an initial step towards this is to get advisement and legal council for the board and not necessarily for every member and the reason is because the Corporation Counsel represents individually and separately the Commission and the Executive Secretary because they are under two authorities. He commented it's complicated when they have one attorney attend a meeting and giving counsel to the Executive Secretary, which is in conflict on some level with the Commission and then goes over to the Commission and tells them something. Mr. Woods-Bateman gave an example of a policy statement came down by the Executive Secretary last year which was in direct violation with a number of laws that the Neighborhood Boards are required to follow in conducting their meetings and activities. He stated he asked legal counsel for legal opinion in writing about the policy for the Board of Directors and they called a special meeting for that purpose. He went on to say they were never granted that, they were never told they wouldn't have that, they were never communicated with at all and that was in May of last year. He commented this is a real problem because they have to follow the law and they are getting bad advice from the established person they have to address as well as not getting legal counsel from the system. Commissioner Meder asked for clarification if he is in support or opposition? Mr. Woods-Bateman responded he thinks this proposal should go forward because it has the merit in there and if it could be refined to providing advice to the Board but if it doesn't get amended to be refined than it should be stopped and work on something more practical.

Commissioner Kawashima asked for clarification from Mr. Woods-Bateman if he is saying that the Neighborhood Boards do not have a legal avenue to get legal advice? Mr. Woods-Bateman responded they don't have a legal avenue or right to get legal counsel under the Corporation Counsel under their Neighborhood Board position. Commissioner Kawashima asked in the past has Corporation Counsel provided legal advice to the Neighborhood Board? Mr. Woods-Bateman responded in some cases indirectly, but what they are required to do, they are instructed to communicate with the Executive Secretary who has a direct link to communicate directly with Corporation Counsel. Mr. Woods-Bateman stated he's requested for some of the things in writing because some of them are critical things because they have business agents; some are making legal proposals on city projects. He requested for legal opinion of what are their parameters in reviewing it as a Neighborhood Board. He commented he hasn't received any of their opinion in writing and has asked over and over again.

Commissioner Lendio asked Mr. Woods-Bateman isn't that because under the Corporation Counsel's Powers, Duties and Responsibilities under the Charter they are to be a legal advisor to them. Commissioner Lendio stated the charter reads: "The Corporation Counsel shall serve as the chief legal advisor and legal representative of all agencies, the council and all officers and employees." She went on to say because the Neighborhood Board does not fall under any of those particular functions, they would be acting out of the scope of their powers, duties and responsibilities under the Charter if they were to go and give them legal advice. Commissioner Lendio gave a scenario regarding what if the legal advice is wrong and the Neighborhood Board goes and acts upon that legal advice, thereby extending the liability of the city because he or she has acted outside their powers, duties and responsibilities. Commissioner Lendio asked Mr. Woods-Bateman shouldn't they be addressing the critical issue which is whether or not Neighborhood Board members should be officers or employees of the City and categorized in that way and then subject to Ethics scrutiny, file financial statements and then get the insurance policy coverage needed in the event they act outside their scope or something happens with some Neighborhood Board to act out of their advisory capacity. She went on to say that is really the central issue and frustration that the Neighborhood Boards are facing because they are not officers or employees of the city. Mr. Woods-Bateman responded he agrees with 99% of what she said and understands it and understands that the Neighborhood Boards are exempted because they don't fall under the classification, which are provided specific rights and benefits as an agent of the city to get legal counsel. He stated he's not sure if the degree to which they are going to need all the different things for the liability and the other things she laid out would be required to get some legal counsel for specific items. He went on to say the issue is they are functioning under the assumption and have been told through their training, which they have every few years about what they can and cannot do, and that the Corporation Counsel will give the Commission a legal opinion and the Neighborhood Boards are to follow it. Mr. Woods-Bateman commented technically it's not their opinion and the question whether they are in jeopardy if they do follow some of them because they are legal opinions which may be faulty and may not be true under they law but they do follow them because people tell them they need to and they go under that assumption and trust the system as

best they can. He went on to say they are all at a trusting level. Commissioner Lendio stated she would feel more comfortable with a charter amendment focusing on what Commissioner Sullivan said, they submit an informal advisory request to the Neighborhood Commission who then passes it on to Corporation Counsel and perhaps set up a mechanism that way or vis-à-vis the Executive Secretary putting in a charter amendment that way, instead of making the Neighborhood Board members officers or changing the Corporation Counsel's duties affirmatively to give them legal opinions. She went on to say she's more comfortable trying to set up a chain of command vis-à-vis the Neighborhood Commission who is supposed to oversee the Neighborhood Board instead of instructing the Corporation Counsel to go outside the scope of their duties in the charter to afford him the legal representation he seeks. The Neighborhood Boards could get enough where you feel satisfied that your informal advisory opinions are going to be heard. Mr. Woods-Bateman responded he and Commissioner Lendio are on the same wavelength but he is going about it in a different way. He stated he believes in terms of that function in almost everything they discussed tonight related to the Executive Secretary and the Commission could be done through the neighborhood plan if the authority was given to one entity to run it all. He went on to say that could be in the neighborhood plan as well as all the other problems that would resolve it by having one authority to be able to straighten out problems. But because they aren't that way and they have multiple entities of authority over the system and what they do as the public servant, they are limited. Mr. Woods-Bateman commented the Commission would have to change charter things if they are going to have it different places but if they can pass two proposed charter amendments and do all the amendments to them and clarify these points that deal with all the functional issues and responsibilities and duties of each, they would be able to eliminate almost all of the other Neighborhood Commission proposed amendments. He thinks this addresses some of the other issues that testifiers are bringing up because they wouldn't have the problems that they are trying to address in a different way which means they would have multiple proposed amendments if they do it the other way.

Debbi Glanstein stated they want someone to be able to answer their legal questions and if in fact an action they contemplate on a Neighborhood Board would be outside of their jurisdiction. She stated right now they have no place to go. She went on to say the complaint process proceeds from one person or a couple of people filing a complaint with the Neighborhood Commission Office that has to be responded according to the provisions in the Neighborhood Plan. It goes back to the Chair of the Neighborhood Board that has been complained against, that goes to Board and they have to decide whether that is going to be affirmed or denied or otherwise. She went on to say from that point that response goes back to the Executive Secretary. The Executive Secretary has to pass that on to the Corporation Counsel for their review, that's been the bottleneck and this is one part of the process. Ms. Glanstein pointed out the other part of the process is the dilemma in which Neighborhood Boards and Neighborhood Board Chair's find themselves dealing with particular issues that deal with businesses, zoning and individuals which they need to have an answer.

Carrie Okinaga testified in opposition. She commented from listening to the discussions she thinks where the problem lies is in the powers, duties and functions

of the Neighborhood Boards are perhaps is not as clear as they would like it to be. She went on to say it is not in the charter but in the Neighborhood Plan that is subject to flux and basically the questions posed today about when they overstep their boundaries and such. Ms. Okinaga stated it's kind of clear because when she reads the Charter in terms of what the roles of the Neighborhood Commission is and a line or two of what the rules of what the Neighborhood Boards are and unfortunately that has been the way typically in the past the practice of Corporation Counsel has been to allocate resources. She stated Proposal 16 is either is saying they are calling for the same amount of representation that they are currently getting which makes this proposal unnecessary because they already have a system where they field request for legal opinions through the Neighborhood Commission Office. She went on to say to her knowledge there has never been a time when a request for representation when a Neighborhood Board has been sued even when it is arguable that they were exceeding their powers, duties and functions or that request was denied. Ms. Okinaga stated they have represented Neighborhood Boards when they get sued. In addition there was some testimony earlier that there's some doubt for Neighborhood Board members when they get sued as to whether Corporation Counsel would provide representation. She stated that's no different from any other city employee, who they are not, but in the event any other city employee is only represented if they were acting in their official duties and pursuant to their functions. Ms. Okinaga commented if the proposal is asking for something more than what they currently offer then she does have resource and conflict problems. She stated the Neighborhood Boards are 32 unique entities, funding is provided by the City, the elections are funded by the City and provided for by the Charter, but the Neighborhood Board members are not city officials or employees. Their obligations are to their constituents and not to the City so where as they have conflict about where they represent City Council and the Administration at least both of those entities are employees and officials of the City. She stated in the Neighborhood Board context their duties of loyalties are to their constituents and not to the City and it's a consideration unlike any other entity established by the Charter. Ms. Okinaga stated the inherent conflict they have in representing the various agencies, officers and employees and representing the 32 Neighborhood Boards would cause serious staffing issues. Commissioner Lendio asked Ms. Okinaga to explain about pre-hearing procedures. Ms. Okinaga stated she found it in the Neighborhood Plan it's referenced there. Commissioner Lendio commented if they submit a complete report to the Executive Secretary of the Neighborhood Commission. Ms. Okinaga responded in the affirmative. Commissioner Lendio then asked if Ms. Okinaga knows what procedures happen after that. Ms. Okinaga responded she's not aware. Commissioner Lendio asked Ms. Okinaga if she could provide that to the Commissioners as she is interested in what that procedure entails from the view of the Corporation Counsel's office and how their office is going to participate in that particular procedure. Ms. Okinaga responded in the affirmative and commented the Neighborhood Plan is being revised over and over again and is in revised draft and there is a question about when, where and how Corporation Counsel's duties, powers and functions are designated by the Neighborhood Plan as opposed to the Charter. She went on to say they have questions about that but in any event she believes there's a process she saw in the current version of Neighborhood Plan. Ms. Okinaga stated if there is a bottleneck in her office, which has never been raised to her by anyone, she would address it. Commissioner Lendio commented while she

was Corporation Counsel from 1994 – 1996 she was not aware of this as well and she doesn't know if there's a specific designated duty in the Neighborhood Plan to force the Corporation Counsel to participate in that particular procedure as legal advisor for anyone at that level. Ms. Okinaga responded it's a question but there is a provision that talks about pre-hearing review.

Commissioner Meder asked Ms. Okinaga in her opinion the issue that was raised today about some of the Neighborhood Board members seeking advice about certain issues before them, is that issue in her opinion centered on the problem around the definition of the duties and powers of the Neighborhood Boards? Ms. Okinaga responded it could be. She stated in some instances they get questions that are very similar to constituent requests to Councilmembers such as "Is there a state statute or a law prohibiting such and such?" If you are a deputy representing an agency that's a very conflicting position to be in but their office handles it and they respond to the Neighborhood Commission and the Councilmembers. Ms. Okinaga went on to say in the case of the Manoa Neighborhood Board litigation the Corporation Counsel represented them when they got sued.

Commissioner Kawashima asked Ms. Okinaga to her knowledge has Corporation Counsel ever directly advised Neighborhood Board or gone to a Neighborhood Board and directly advised the Board? Ms. Okinaga responded it's been the practice not to and she thinks it would be very difficult to say yes to one and no to another depending on what the context the question arises in and thinks that's why it's been a long-standing practice. Commissioner Kawashima asked Ms. Okinaga to her knowledge that has never happened? Ms. Okinaga responded yes and went on to say with respect to individual questions coming from individual Neighborhood Board members she reiterated they would only represent the Board not the individual Neighborhood Board members so that question would have to come from the Board to the Neighborhood Commission and then fielded by their office.

Commissioner Chang asked Ms. Okinaga given that the board members are not officers nor employees and then their functions are primarily advisory and they have no policy-making powers, in terms of the liability question, are they relatively immune from any type of personal lawsuit unless they acted in such extraordinary circumstances that no officer of the city would warrant that type of legal support? Ms. Okinaga responded in the affirmative and she thinks that was the intent of the 1971-1972 Charter, it was supposed to be an advisory function where they wouldn't get sued because they have made the decision that would then make the City would be liable for. She went on to say in some instances some Neighborhood Board takes actions further beyond and maybe it would be better if the powers, duties and functions were clearly defined in what is overstepping and what is not overstepping. Commissioner Chang then asked Ms. Okinaga the practical experience for Corporation Counsel providing advice to Board members have been largely to address conflicts in and amongst members or between organizations? Ms. Okinaga responded they pretty much runs the gamut but for example if they are not employees or officers of the city and there are allegations of harassment, the question becomes is the City liable. Once they pick at a little of that and either they are going to draw them completely into the City body and treat them like employees and officers and train them for sexual harassment and give them all the legal advice

or not. What she thinks they were intended to be an independent advisory community because they represent the Community and not the City. Ms. Okinaga stated for her as a lawyer that's critical difference. She noted Proposal 16 calls for the ability to institute a lawsuit or have Corporation Counsel, she thinks that would be clearly outside the powers, duties and functions of a Neighborhood Board to be institute a lawsuit against the city irrespective of Corporation Counsel.

Commissioner Lendio asked Ms. Okinaga if there has ever been a discussion on the authority of the Neighborhood Boards to hire their own counsel or has any Neighborhood Board put in a budget request to hire private counsel to advise them? Ms. Okinaga responded no, she doesn't know of any during her tenure.

Jim Corcoran testified in support. He commented the big thing about this proposal has to do with complaints. He gave an example that last summer he submitted some complaints to the Neighborhood Commission Executive Secretary and in accordance with the Neighborhood Plan she responded within a five day period with a letter telling him that Corporation Counsel would be contacting him shortly to arrange for a pre-hearing. He noted he received that letter last summer and he hasn't heard anything from Corporation Counsel. He advised the Commission that the Neighborhood Commission at their last meeting tried to arranged to clear away 5 years of backlogs of complaints and feels this proposal has a lot of merit and should move forward.

Clifton Takamura testified in support. He stated when he joined the Neighborhood Board he clearly understood by reading the Neighborhood Plan on what the Neighborhood Board members are supposed to do or not do and understood their role is advisory and they are not like the officers of the City Council, State or Federal Government and their role was to serve the Community. He agrees with Commissioner Lendio opinion on Corporation Counsel's duties for the employees and officers of the all the different departments. He commented they are not employees or officers of the city and are elected by their constituents. Mr. Takamura commented they should be serving their constituents, the Neighborhood plan tells them no matter how weak the current Neighborhood Plan is. He commented they are advisory, they should stick to their advisory roles and they do take votes to the issue but the purpose of that is to serve in their advisory role.

8. **PROPOSAL 17** - Neighborhood Commission and Executive Reorganization; Exclude the Neighborhood Commission from the 20-department limitation to the executive reorganization power.

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. William Wilson
5. William Woods-Bateman

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Kathy Bryant-Hunter and William Wilson, Kailua Neighborhood Board
3. William Woods-Bateman
4. Linda Ure
5. Debbi Glanstein
6. Lynne Matusow

Linda Ure testified in support. She read her written testimony into the record.

Joan Manke testified in opposition. She read her written testimony into the record.

Tom Heinrich commented as stated by the previous testifier the Neighborhood Commission really is a semi-autonomous organization in the language of the Charter. He stated the addition of the addition of the Neighborhood Commission or whatever might be appropriate such as in Proposal 80 if the language was changed it terms of the name whether it be department or office. He went on to say it may be useful to make this brief addition of just identifying the Neighborhood Commission or Commission Office because in Proposal 14 they are asking for a different status of the organization of the Charter overall. Mr. Heinrich commented if that is the case, the question in "THEREFORE, BE IT RESOLVED" paragraph and the language set forth in Section 4-202 is not the same thing and reads a different intent there. He stated in that way if the intent of the question is as he interprets it, this would place an inappropriate limit on the authority of the Executive branch and the Mayor he doesn't think should not have that limitation. He went on to say on the other hand if a language amendment is appropriate then the first place to start is Section 4-102 before they get to Section 4-202 so there may be an additional place in Section 4-102 that the same addition of identifying the Neighborhood Commission Office or something similar because this is a semi-autonomous agency, has it's own article and may be appropriate to do it that way. He stated in that regard he would support moving this forward to see if they can try to refine that to see if it's an appropriate dealing with the Neighborhood Board System.

William Wilson testified support and has nothing further to add other than what's been said and strongly urged the Commission to support the proposal. He stated to his understanding that by renaming and not calling in a department would be excluded from any Mayor's reorganization plan and from his understanding they are limited to only 20 departments and with the Neighborhood Commission being a department the could face exclusion, limitation or non-existence and feels it's inappropriate to be referred as a department.

William Woods commented when their group reviewed this proposal, they could not find anything specific in the charter that referred to the Neighborhood Commission as a semi-autonomous agency. He stated they did find the term semi-autonomous in the charter but it was never specifically referred to in context of the Commission. He went on to say they thought it ought to be there but didn't find appropriate vehicle to be in there and thinks this should go forward. Mr. Woods-Bateman stated the issue is whether an authority should have reorganization responsibilities over a Commission who has charter responsibilities directly related to the charter. He commented he thinks this has merit to move forward for further discussion.

9. **PROPOSAL 24** - Neighborhood Commission; Clarify the Powers, Duties and Functions of the Neighborhood Commission.

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. William Woods-Bateman

Written testimony:

1. Joan Manke, Executive Secretary, Neighborhood Commission Office
2. Linda Ure
3. William Woods-Bateman
4. Lynne Matusow

*****Commissioner Hirano left the meeting at 5:52p.m.*****

Linda Ure testified in support and read her written testimony into the record.

Joan Manke testified in opposition and read her written testimony into the record.

Tom Heinrich testified in opposition and feels it is represented elsewhere and has some difficulty with item B in terms of focusing exclusively on the Neighborhood Board Chairs to the exclusion to the rest of the members and the public and some other things. He went on to say in his overall review it might still be to move it forward so that something more articulate could be consolidated, there are some things in Proposal 24 that are found elsewhere. Therefore he is not in support of moving this forward.

William Woods-Bateman testified in opposition. He stated his primary reason is because he believes Proposals 9 & 10 could be amended to add all the different functions they want if they want to deal with the functions. He went on to say this proposal is like a mix of a number of things, which would be hard to define on the ballot and suggest that this not be moved forward.

10. **PROPOSAL 25** - Neighborhood Commission; Clarify and establish the direct relationship of the Neighborhood Commission and Executive Secretary.

The following individuals testified:

1. Linda Ure
2. Tom Heinrich
3. William Woods-Bateman

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Linda Ure

3. William Woods-Bateman

Linda Ure testified in support. She read her written testimony into the record.

Tom Heinrich testified in opposition.

William Woods-Bateman testified in opposition.

11. **PROPOSAL 37** - Neighborhood Commission and Neighborhood Boards; Various proposals regarding Neighborhood Commission and Boards.

The following individuals testified:

1. Linda Ure
2. Clifton Takamura
3. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
4. Tom Heinrich
5. William Woods-Bateman
6. William Wilson

Written testimony:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Clifton Takamura

Linda Ure testified in opposition.

Clifton Takamura testified in support. He stated he stands by his testimony. He went on to say Proposal 37 content was to improve on the Neighborhood Board Office, Neighborhood Commission and the Neighborhood Board System. Mr. Takamura commented some of the proposals he thinks are brand new with new ideas while some are questionable. He stated he feels the new articles in Proposal 37 should be considered especially the first paragraph proposing establishing an office of the Neighborhood Commission. He noted the Neighborhood Commission has discussed such an establishment because currently the Executive Secretary that handles the office is a Mayor appointee and the description of the Neighborhood Commission Office does not exist in the charter. He feels this proposal should move forward for further discussion.

Joan Manke testified in opposition. She read her written testimony into the record.

Tom Heinrich testified in opposition. He stated most of what is in this particular proposal is either too general or out of context. He feels this could be consolidated with some of the other proposals.

William Woods-Bateman he agrees with Mr. Heinrich's testimony.

William Wilson testified in opposition and feels this would place another

bureaucratic level on the government to manage another office.

12. **PROPOSAL 42** - Neighborhood Commission; Clarify the policy and policy role of the Neighborhood Commission.

The following individuals testified:

1. Linda Ure
2. Tom Heinrich
3. William Woods-Bateman

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Linda Ure
3. William Woods-Bateman

Linda Ure testified in support. She stated the proposed section (e) "Review the annual budget prepared by the Executive Secretary and make recommendations thereon tot the mayor and the council." Is well thought out and should be considered for inclusion in Section 14-103; for items.

Tom Heinrich testified to move forward Proposal 10 and not Proposal 42.

William Woods-Bateman testified to move forward Proposal 10 and not move Proposal 42.

13. **PROPOSAL 43** - Neighborhood Commission: Establish direct relationship between Commission and Executive Secretary.

The following individuals testified:

1. Tom Heinrich
2. William Woods-Bateman

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Linda Ure
3. William Woods-Bateman

Tom Heinrich testified in opposition.

William Woods-Bateman testified in support and commented using Proposal 9 instead could also do it.

******Commissioner Myers leaves meeting at 6:05p.m.******

14. **PROPOSAL 80** - Neighborhood Commission; Various amendments regarding

Neighborhood Commission and Neighborhood Boards.

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. William Woods-Bateman

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Linda Ure
3. William Woods-Bateman

Linda Ure testified in opposition. She read her written testimony into the record.

Joan Manke testified in opposition and read her written testimony into the record.

Tom Heinrich testified in support. He stated Proposal 80 is a combination of different proposals that have been consolidated from numerous discussions relating to the effort to revise the Neighborhood Plan, other dealings with the Neighborhood Commission and also clarifying the role of the Executive Secretary. He went on to say there is no need to renumber the article and move that around but it does connect to his earlier discussion on whether the Neighborhood Commission is a semi-autonomous agency or a department. He commented he does not prefer the language "department" but in consistency of the proposal is that it does model itself after the Fire and Police Commission, etc. and in making clear the addition of the proposed Section 9-102. Mr. Heinrich stated there are three elements of the Neighborhood Commission itself; the Commission, an Administrator and the necessary staff, which is consistent language for elsewhere in the charter for similar organizations. He went on to say one of the things that has been a great concern for years is how they recognize first that the boards are advisory only and for the past 30 years have existed, they have come very strongly as the Community forums for the respective neighborhoods. He stated it's not adding any duties in one sense and it doesn't go to address whatever the boards are doing or within their official scope of duties but it does clarify when certain issues are appropriate for the community to discuss although they may not be a legislative proposal or something that would affect decision making of a government at least immediately. Mr. Heinrich commented in his opinion "item c on page one" has been a problem with at least two individuals in the past year and one half which is "no person should concurrently serve on the Commission and a Neighborhood Board." Commissioner Lendio asked Mr. Heinrich on page 5 of the proposal where the paragraph starts "Except for purposes of inquiry or as otherwise provided in this charter...", regarding the ambiguity of interfering in any way with the administrative affairs of the Neighborhood Commission department and what is the enforcement mechanism. Mr. Heinrich responded he could not answer any of her questions but it is the exact language that has been taken from the charter to make clear that there is a clear line of separation between what the Commission is supposed to do and what the internal day-to-day staff is

supposed to do. Commissioner Lendio clarified she was looking at it from an enforceability point of view that if it was passed how would it be enforced and who's going to interpret "shall interfere in any way"? She commented she feels it's ambiguous and vague and doesn't think it's enforceable. Mr. Heinrich responded he agrees and commented that language was found in other places of the charter.

Chair Takaki asked Mr. Heinrich if Proposal 80 did not pass but another proposal passes regarding the Neighborhood Commission Executive Secretaries duties does he feel this proposal could be added to that other proposal if it were amended in the future. Mr. Heinrich responded when it relates to powers, duties and functions one document is going to ultimately be the catch all proposal but there are a few ideas in this proposal that he feels are important and as long as there is a vehicle for those ideas. He stated would support moving proposal 80 forward so that whatever ideas are supported at the public hearing that those distinct ideas are not lost. He went on to say those particular ideas are not represented in some of the other proposals.

William Woods-Bateman testified in opposition. He stated there are multiple issues in the proposals, he thinks it creates a new set of problems and conflicts, enforcement issues, the new language of adding a "department" is going to be confused during the public hearing. He went on to say all the elements of the responsibilities and duties could be combined with his suggestion of Proposals 9 and 10 as the vehicle.

15. **PROPOSAL 81** - Neighborhood Commission and Civil Service; Place the Neighborhood Commission employee positions, other than the Executive Secretary, within the civil service system.

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. William Woods-Bateman
5. Jim Conkrin
6. Shannon Wood
7. Clifton Takamura
8. Jay Ishibashi, Office of the Mayor

Written testimony:

1. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
2. Linda Ure
3. William Woods-Bateman

Linda Ure testified in support. She commented this proposal comes from a previous defeat at the ballot, however as it resurfaces again it's worth some

consideration. She read her written testimony into the record.

Joan Manke testified in opposition and read her written testimony into the record.

Tom Heinrich testified in support. He commented Proposal 81 was defeated at the 2004 elections and stated his frustration was the lack of any educational campaign on any of the four city charter amendments that were proposed. He stated no new positions are being advocated but one of the things that has come clear within the last 12 month period is the Neighborhood Commission was in a steady state, not in great terms, but a steady state for more than 8 years because there was no change in administration. He went on to say with the change in administration, all positions in the Neighborhood Office are not civil service but appointees and there was a tremendous turnover because most of the people were not retained by the current Mayor, which is his prerogative under the charter. He stated what was lost was the immediate day-to-day ability to keep up with the rest of the tasks and for the size and the scope of operations of the Neighborhood Board System, he feels it is not an efficient way to operate the Neighborhood Board System. Chair Takaki asked Mr. Heinrich if he knew how many employees this would involve. Mr. Heinrich responded he would have to defer that question to Joan Manke. Ms. Manke responded 15 positions.

William Woods-Bateman testified in support. He commented these jobs are patronage jobs and they have been told over the past 30 years that they have to work on campaigns and activities and they have done it and are doing it. He commented some of the work is not getting done right now in the past year because they are not doing Commission related work. He went on to say these people do an important job but needs to be taken away from the patronage job whether they are seen as doing it or they do it in ways that are not as obvious. Mr. Woods-Bateman urged the Commission to support this proposal.

Jim Corcoran testified in support.

Shannon Wood testified in support and commented the chaos that ensued in January 2005 when the new administration started she felt was horrendous and urged the Commission to take these positions out of patronage and put them into a position where they can have protection.

Clifton Takamura testified in support.

Jay Ishibashi clarified in partial response to Mr. Woods-Bateman, maybe in the past or it might be hearsay that some of the positions in the Neighborhood Commission Office was patronage positions but clarified that as far as the administration's standpoint didn't ask employees of the office to do anything considered political. He stated they retained 6 employees of the past administration's employees. Commissioner Chang asked Mr. Ishibashi isn't there a prohibition by the Ethic's Commission on conducting or doing anything political during work hours. Mr. Ishibashi responded in the affirmative. Commissioner Chang then commented if they do anything on their own time, on vacation but they cannot do it during their work hours. Mr. Ishibashi responded

that is correct and just wanted to clarified that.

Commissioner Sullivan asked Mr. Ishibashi if the administration was opposed to this proposal. Mr. Ishibashi responded they looked at the past election and what the voters responded to but they really don't have an opinion one way or another. Commissioner Sullivan commented she understands Proposal 81 is slightly different than what was on the ballot in 2004. Mr. Ishibashi responded he thinks is slightly different but the conceptual part is the same. He went on to say adding position count could also have cost factors because it would add permanent fixed costs. As to employees, while they'll be there they are at a temporary cost. He suggested that the Commission look at the possibility of adding fixed costs. He went on to say the Neighborhood Board has been around for a long time. Commissioner Sullivan asked Mr. Ishibashi if he knew historically what the position count has been. Mr. Ishibashi responded it's been the same and doesn't think there has been additions or deletions. Commissioner Sullivan commented it's been a pretty stable count so in theory there is no big financial impact. Mr. Ishibashi responded true in theory but they would be adding a permanent count in the books so they would be required to put out that money. He commented in future years should the Neighborhood Offices cease to exist they would have the problem with the reoccurring accounts and would have to do something to take that out of the books.

16. **PROPOSAL 89** - Neighborhood Commission; Clarify the policy and administrative role of the Neighborhood Commission, require annual report on the performance of the Executive Secretary, and authorize the Commission to terminate upon 2/3rd vote.

The following individuals testified:

1. Linda Ure
2. Joan Manke, Acting Executive Secretary, Neighborhood Commission Office
3. Tom Heinrich
4. William Woods-Bateman

Written testimony:

1. William Woods-Bateman
2. Linda Ure

Linda Ure testified in opposition. She read her written testimony into the record.

Joan Manke testified in opposition. She stated her testimony is similar to the testimony she gave for Proposals 10, 13 and 80. She commented the administration doesn't feel that this amendment is required in the charter at this time and the Neighborhood Commission Office is willing to work closely with the Commission to ensure the intent of the charter is being met to provide effective citizen participation in the divisions of government and also they welcome the opportunity to receive and address concerns. She stated the practice of budget

review and recommendations is already in place. Commissioner Chang asked Ms. Manke regarding there is no reason why the Commission or anyone from the Neighborhood Board for the matter may have a particular concern about the performance of the Executive Secretary could not bring it to the appropriate attention of the Mayor or the Council. Ms. Manke responded correct, there's nothing that prohibits that. Commissioner Chang stated merely having it in the charter is almost not necessary because they have a highly informal structure that is being exercised or people can go to Council or the Mayor to express their concerns. Ms. Manke responded yes there are avenues for that.

Tom Heinrich testified in opposition and commented there are other vehicles. He commented the last couple of comments raises on of the most central questions to a lot of the discussion, which is, what is the role of the Neighborhood Commission? He went on to say the statement in essence that certain language may not be necessary and when looking at Section 14-103 (a, b and c) there is nothing in this section that at all addresses the relationship between the Neighborhood Commission and the Executive Secretary and then beyond that between the Executive Secretary and the Neighborhood Board. Mr. Heinrich stated there is other language such as Section 4-102 he believes which places semi-autonomous agencies under the Managing Director who then reports to the Mayor. He commented there is the placement of the office but there is no direction in the Charter as for anything having to do with the Commission and the Executive Secretary and then beyond that and if they look at the rules of the Neighborhood Commission it also does not have the relationship between the Commission overall and the Executive Secretary.

William Woods-Bateman testified in opposition. He stated this proposal could be placed somewhere else in other vehicles.

DRAFT 5/3/06

ACTION:

B. RELATING TO NEIGHBORHOOD COMMISSION

1. **PROPOSAL 9** - Neighborhood Commission; Establish direct relationship between Commission and Executive Secretary.

ACTION – Proposal 9 to move on for further consideration – motion passed.

Moved by Commissioner Lendio, seconded by Commissioner Sullivan. Discussion followed.

Commissioner Sullivan stated she would be voting to move this proposal and suggest that the Commissioners consider moving one proposal to forward and consolidate the other proposals that addresses Section 14-105, Powers of the Executive Secretary. She believes they are Proposals 9, 14, 25 and 43 and suggest they move one proposal with the idea that they should be open to modifying it accordingly. She commented it's in the interest of streamlining their process to have one proposal addressing one section moving forward.

Chair Takaki clarified that Commissioner Sullivan thinks Proposals 9, 14, 25 and 43 all relate to the duties specifically of the Executive Secretary? Commissioner Sullivan responded in the affirmative stating that she believes that is the only issue that is being addressed in those proposals. Chair Takaki commented he also would like to choose one of the proposals that relate to that. He went on to say he would voting "no" on this proposal but would be voting in favor of Proposal 14 with the idea being similar.

Commissioner Lendio stated she agrees with Commissioner Sullivan. She commented she doesn't think that precludes the Commissioners from integrating the language of Proposal 14 into Proposal 9 at some point in the future. She went on to say she would like to see the people who have advocated the changes to the various sections get together during the public hearing time of this process and come together with a cohesive ballot amendment on the various sections. Because when they go to the voters they have to look united and in agreement on how they are going to market and push this through so that they get an affirmative vote. Commissioner Lendio clarified there is a need for reorganization in the Neighborhood Board System and knows they won't have a consensus but would like at least the constituents who came tonight to get together and try to present something during that process to enable the Commission move forward with their various proposals.

Chair Takaki asked staff if the characterization that Commissioner Sullivan stated regarding the four proposals relating to the same sections of the Charter. Executive Administrator Narikiyo responded yes and clarified fairly those four particular proposals are overlapping and they could consider any of the concepts raised in those four by passing on one of the proposals. Executive Administrator Narikiyo commented his analysis would be if its something fairly similar, it's okay but if it's something very different it would not be appropriate to combine into one proposal.

Commissioner Sullivan asked Executive Administrator Narikiyo if his recommendation would be to pass Proposals 9 and 14 separately to keep it open because Proposal 9 addresses the concept of the Executive Secretary being appointed of the Neighborhood Commission and Proposal 14 does not? Executive Administrator Narikiyo responded he thinks if they characterize the four proposals as all dealing with Article 14 and the rules of the Executive Secretary and the supervisory process, he thinks that would be okay.

AYES: TAKAKI, KAWASHIMA, LENDIO, MEDER, MIKULINA, SULLIVAN – 6
NOES: CHANG, PACOPAC - 2
EXCUSED: COFFEE, GRAU, HIRANO, MYERS, TOM – 5

Motion passed

2. **PROPOSAL 10** - Neighborhood Commission; Clarify the policy and policy role of the Neighborhood Commission.

ACTION – Proposal 10 to move on for further consideration – motion failed.

Moved by Commissioner Lendio, seconded by Commissioner Sullivan. No discussion followed.

Chair Takaki asked Executive Administrator Narikiyo if there is also a way they could deal with the various proposals about the Neighborhood Commission and their policy in powers and roles, does this overlap. Commissioner Sullivan commented she's been keeping track and stated this proposal addresses Section 14-103, Neighborhood Commission. She commented Proposals 10, 13, 24, 42 and 89 are all addressing that particular provision as well. Chair Takaki asked Commissioner Sullivan if she has the same feeling on this proposal as she did with Proposal 9 to support one of the group of proposals she commented on and have the rest of the proposals be combined into that one? Commissioner Sullivan responded that is her feeling. Chair Takaki clarified that would be up to each Commissioner.

Commissioner Lendio stated she would like to see a few of the proposals move forward and is concerned with the quorum requirement they have and urged the Commissioners to move a couple of the proposals forward so they can have public testimony on those particular issues. She went on to say her vote would be to defeat a majority of them but would like a few of them to move forward for further discussion on possible reorganization of the Neighborhood Board System and urged the Commissioners to take that into consideration when they vote.

Commissioner Pacopac stated because there are a few proposals that are similar that when they do vote they won't know which one everyone wants to agree on. He commented he agrees with Commissioner Lendio but they have a dilemma because there are five proposals that are addressing the same Section and they are all kind of different in a way and maybe some Commissioners like one and not the other so that causes a dilemma for the Commissioners to vote in this way. He commented he doesn't know how to resolve this but would take Commissioner Lendio into consideration.

Executive Administrator Narikiyo commented on the five that Commissioner Sullivan listed, Proposal 89 is a little different because it talks about the two-thirds termination vote. Commissioner Lendio stated she disagreed. She clarified if the Commission was to consider that concept sometime in the future wanting to insert a two-third vote requirement they could do it and doesn't think that is outside of the scope of what they could do during the public hearing process. She went on to say she doesn't think they would be only limited to what they have before them if they adopt a specific proposal and thinks they are open to amend it freely as long it stays within the parameters of the subject. Chair Takaki commented he agreed with Commissioner Lendio.

AYES: LENDIO, MEDER, MIKULINA – 3
NOES: TAKAKI, CHANG, KAWASHIMA, PACOPAC, SULLIVAN - 5
EXCUSED: COFFEE, GRAU, HIRANO, MYERS, TOM – 5

Motion failed

3. [PROPOSAL 12](#) - Neighborhood Boards; Recognize that each neighborhood has its own distinctive character.

ACTION – Proposal 12 to move on for further consideration – motion failed.

Moved by Commissioner Lendio, seconded by Commissioner Chang. No discussion followed.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN – 8
EXCUSED: COFFEE, GRAU, HIRANO, MYERS, TOM – 5

Motion failed

4. **PROPOSAL 13** - Neighborhood Commission; Revise the Powers, Duties and Functions of the Neighborhood Commission.

ACTION – Proposal 13 to move on for further consideration – motion passed.

Moved by Commissioner Lendio, seconded by Commissioner Sullivan. Discussion followed.

Chair Takaki stated he would be voting in favor of this proposal.

AYES: TAKAKI, LENDIO, MEDER, MIKULINA, SULLIVAN – 5
NOES: CHANG, KAWASHIMA, PACOPAC – 3
EXCUSED: COFFEE, GRAU, HIRANO, MYERS, TOM – 5

Motion passed

5. **PROPOSAL 14** - Neighborhood Commission; Give the Executive Secretary non-voting membership on the Commission.

ACTION – Proposal 14 to move on for further consideration – motion failed.

Moved by Commissioner Lendio, seconded by Commissioner Sullivan. Discussion followed.

Chair Takaki clarified that Proposal 14 is similar to Proposal 9, which the Commission passed earlier.

AYES: MEDER – 1
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MIKULINA, PACOPAC,
SULLIVAN – 7
EXCUSED: COFFEE, GRAU, HIRANO, MYERS, TOM – 5

Motion failed

*****COMMISSIONER TOM RETURNED (6:55 p.m.)**

6. **PROPOSAL 15** - Neighborhood Commission; Specify the Powers, Duties and Functions of the Executive Secretary.

ACTION – Proposal 15 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Meder. Discussion followed.

Chair Takaki asked for clarification from Executive Administrator Narikiyo regarding if this proposal is related to Proposal 9 also? Executive Administrator Narikiyo responded it wasn't mentioned before.

Commissioner Meder responded it's regarding the position description. Commissioner Sullivan commented she believes this proposal was to create a new section in the Charter.

Commissioner Mikulina commented they heard from the community saying this is not being done now but agrees with Commission Chang that they should not place a job description in the Charter because if they did, they would have to place all the job descriptions in the charter and it would be a charter of job descriptions. He went on to say it should be placed under the Department of Human Resources but it should be clear about the duties and could be addressed with other charter amendments today.

Commissioner Meder commented this proposal is about the position description and doesn't know if it belongs in the charter but it thinks it needs to stay within discussion.

AYES: MEDER – 1
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MIKULINA, PACOPAC, SULLIVAN – 7
ABSTAIN: TOM - 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

7. **PROPOSAL 16** - Neighborhood Boards and Corporation Counsel; Provide that Corporation Counsel serve as legal counsel to the Neighborhood Boards.

ACTION – Proposal 16 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Chang. Discussion followed.

Commissioner Chang stated he would be voting against the proposal for all the reasons Corporation Counsel has expressed as well as her responses to the questions that was raised to her.

Commissioner Sullivan stated she would voting in favor of the proposal and is not certain that she agrees with it but would like to have the opportunity to get more input from

Corporation Counsel as well as the public because she feels there were some questions that were not completely answered.

AYES: MIKULINA, SULLIVAN – 2
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, PACOPAC – 6
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

8. **PROPOSAL 17** - Neighborhood Commission and Executive Reorganization; Exclude the Neighborhood Commission from the 20-department limitation to the executive reorganization power.

ACTION – Proposal 17 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Chang. Discussion followed.

Chair Takaki asked Corporation Counsel whether or not the Neighborhood Commission is subject to the 20 Department limitation because they heard conflicting testimony earlier. Deputy Corporation Counsel Kawauchi responded the Neighborhood Commission Office is not a department, the Commission has the status of a Commission and it is not a department. Chair Takaki clarified it is not subject to the 20 Department limitation? Deputy Corporation Counsel Kawauchi responded it is not. Commissioner Chang asked Corporation Counsel for clarification that the proposal is not necessary? Deputy Corporation Counsel Kawauchi responded in the affirmative.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA, PACOPAC, SULLIVAN – 8
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

9. **PROPOSAL 24** - Neighborhood Commission; Clarify the Powers, Duties and Functions of the Neighborhood Commission.

ACTION – Proposal 24 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Mikulina. No discussion followed.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA, PACOPAC, SULLIVAN – 8
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

10. **PROPOSAL 25** - Neighborhood Commission; Clarify and establish the direct relationship of the Neighborhood Commission and Executive Secretary.

ACTION – Proposal 25 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Sullivan. Discussion followed.

Commissioner Pacopac asked if this was similar to Proposals 9 and 13? Chair Takaki clarified it's similar and addresses the same section of the Charter. Executive Administrator Narikiyo commented it's similar to Proposal 9, which they passed earlier.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN – 8
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

11. **PROPOSAL 37** - Neighborhood Commission and Neighborhood Boards; Various proposals regarding Neighborhood Commission and Boards.

ACTION – Proposal 37 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Sullivan. No discussion followed.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN – 8
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

12. **PROPOSAL 42** - Neighborhood Commission; Clarify the policy and policy role of the Neighborhood Commission.

ACTION – Proposal 42 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Sullivan. Discussion followed.

Chair Takaki clarified this proposal is similar to Proposal 10 which they did not move forward but it is also similar to Proposal 13 which they did move forward in terms of Charter sections. Executive Administrator Narikiyo responded in the affirmative and the Commission did approve Proposal 13 to move forward.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,

PACOPAC, SULLIVAN – 8
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

13. **PROPOSAL 43** - Neighborhood Commission; Establish direct relationship between Commission and Executive Secretary.

ACTION – Proposal 43 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Mikulina. Discussion followed.

Chair Takaki commented this proposal is similar to Proposal 9, which they approved.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN – 8
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

14. **PROPOSAL 80** - Neighborhood Commission; Various amendments regarding Neighborhood Commission and Neighborhood Boards.

ACTION – Proposal 80 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Sullivan. No discussion followed.

AYES: MEDER – 1
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MIKULINA, PACOPAC,
SULLIVAN – 7
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

15. **PROPOSAL 81** - Neighborhood Commission and Civil Service; Place the Neighborhood Commission employee positions, other than the Executive Secretary, within the civil service system.

ACTION – Proposal 81 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Mikulina. Discussion followed.

Commissioner Lendio commented while she feels for the people who have testified for this proposal she feels the mandate handed down by the voters in the 2004 ballot amendment election, she doesn't think they should waste a spot on the 2006 ballot for

this because the voters have already spoken. She stated she would be voting in against this proposal.

Commissioner Chang commented for the same reasons Commissioner Lendio expressed he would be voting against this proposal. He added he thinks it eventually poses a problem with the voting public because they would have said they just voted on this 2 years ago and the Charter Commission is bringing this back to the voting public and thinks it may affect the kind of thinking that may go on in the public's mind as they go through the rest of the proposals.

Commissioner Pacopac commented as he mentioned in many of the proposals, there is a cost factor in this proposal that's unknown and would be voting against the proposal.

AYES: KAWASHIMA, MEDER, MIKULINA, SULLIVAN – 4
NOES: TAKAKI, CHANG, LENDIO, PACOPAC – 4
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

16. **PROPOSAL 89** - Neighborhood Commission; Clarify the policy and administrative role of the Neighborhood Commission, require annual report on the performance of the Executive Secretary, and authorize the Commission to terminate upon 2/3rd vote.

ACTION – Proposal 89 to move on for further consideration – motion failed. Moved by Commissioner Lendio, seconded by Commissioner Chang. No discussion followed.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA, PACOPAC, SULLIVAN – 8
ABSTAIN: TOM – 1
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed

Chair Takaki thanked all the neighborhood boards who have spent a lot of time on these proposals and summarized that two proposals would be moving forward to public hearing for further consideration.

Chair Takaki asked to take a 25-minute recess. Commissioner Lendio moved to recess, Commissioner Pacopac seconded that motion. No objections.

****RECESS 7:05 p.m.

****RECONVENE 7:30 p.m.

C. RELATING TO HOUSEKEEPING AMENDMENTS

1. **PROPOSAL 51** - Department of Customer Services; Include the Director of Customer Services as a department head who must be nominated by the Mayor, with the advice and consent of the Council, and may be removed by the Mayor.

The following individuals testified:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council

Written testimony:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council

Council Chair Dela Cruz testified in support. He advocated the Council's position that they would be able to confirm the Director of the department.

Commissioner Tom asked Council Chair Dela Cruz if in the current process they do confirm that person. Council Chair Dela Cruz responded they do but it's not required by the Charter and the Mayor could appoint a new director of that department but it's not required for confirmation.

2. **PROPOSAL 74** - Department of Customer Services; Include reference to the Department of Customer Services in "Appointment, Confirmation and Removal of Officers and Employees".

The following individuals testified:

NONE

Written testimony:

NONE

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3. **PROPOSAL 75** - Ethics Commission; Include the prohibition against Ethics Commissioners taking an active part in political management or political campaigns set forth in the Hawaii Constitution Article XIV.

The following individuals testified:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council

Written testimony:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council (Support)

Council Chair Dela Cruz testified he stands on his written testimony in support.

Commissioner Sullivan asked Corporation Counsel if this proposal was submitted by Corporation Counsel and asked if there was actually an issue with this because if voters are not aware of this and did they mean to put this in the charter? Deputy

Corporation Counsel Kawauchi responded not to her knowledge but because the prohibition is there in the State Constitution and not included in the City Charter, they thought it was preferable to put it there with the description of the Commissioners. Commissioner Sullivan asked Deputy Corporation Counsel Kawauchi because she's not familiar with the State Constitution provision, does this only apply to Ethics Commission members and not to the Executive Director of the Ethics Commission. Deputy Corporation Counsel Kawauchi responded it relates to participating in political activities and it only applies to the Commission members and not their Executive Director.

Commissioner Lendio asked Deputy Corporation Counsel Kawauchi that's how the State Ethic's Commission functions? Deputy Corporation Counsel Kawauchi responded in the affirmative and she thinks it's the same Constitutional provision talking about the Ethics Commission in general, counties and she thinks the state is in there also.

Commissioner Chang asked Deputy Corporation Counsel Kawauchi what would be their comment to the Chuck Totto's recommendation be held because it's unnecessary? Deputy Corporation Counsel Kawauchi responded they spoke to Mr. Totto a little about this and his position is because it's already in the Revised Ordinance that it need not be put in the charter. She went on to say her response to him was that if they did not have the Constitutional prohibition they would not be able to put it in the Revised Ordinances. She clarified the Ordinances can't dictate the limitations on the Commissioners and because there is an underlying Constitutional prohibition then the Ordinance provision is illegal. Deputy Corporation Counsel Kawauchi stated you would have to do the research because at first glance because you would think that the ordinance is illegal because the ordinance can't dictate the parameters of the Commissioners.

Chair Takaki asked for clarification of their earlier discussion regarding the housekeeping proposals. If they were to pass a lot of the housekeeping proposals forward would they be able to combine them all into one question on the ballot or would they need to keep them separate? Deputy Corporation Counsel Kawauchi responded the Commission can make that call.

Commissioner Tom asked Deputy Corporation Counsel Kawauchi regarding Corporation Counsel as the reviser of the Charter? Deputy Corporation Counsel Kawauchi responded in the affirmative. Commissioner Tom then asked some of the housekeeping measures, such as Customer Service as the reviser, clearly it was an omission. Deputy Corporation Counsel Kawauchi responded they don't know that. Commissioner Tom asked Deputy Corporation Counsel Kawauchi the way the initial ballot came out didn't indicate it was an omission? Deputy Corporation Counsel Kawauchi responded the department was created in the reorganization and it wasn't clear that it was an omission and would not know what they would do in that instance. Deputy Corporation Counsel Kawauchi stated if it was really clear they might be able to do that by way of a footnote, but they never considered doing that on their own. Commissioner Tom stated when looking at Section 4-104 it refers to questions one and two of the 1998 elections but the creation of Customer Services was question number three and wondered there may have been some discrepancies

on how it was implemented in revising the charter. Deputy Corporation Counsel Kawauchi responded she does not recall.

4. **PROPOSAL 76** – Police; Delete prohibition of political activities by police department employees.

The following individuals testified:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council (Oppose)

Written testimony:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council (Oppose)

Council Chair Dela Cruz testified in support. He stated this is housekeeping based on the First Circuit Court decision, which is noted in his testimony.

5. **PROPOSAL 77** – Royal Hawaiian Band; Delete the reference to Royal Hawaiian Band in "Appointment, Confirmation and Removal of Officers and Employees".

The following individuals testified:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council

Written testimony:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council

Council Chair Dela Cruz testified in support with amendments. He stated it went back to his earlier comment of the Council having to approve a nomination but thinks what also comes to mind is their salary. He commented if they are not going to go through the same process as other department heads that creates an argument that maybe they should not be getting the same salary as other department heads. Council Chair Dela Cruz stated department heads now make almost \$105,000 and the bandmaster when he was at Pearl City High School would probably make more than if he was downgraded to an appointed position similar to Mike Pili Pang's position of Office of Culture and the Arts. He went on to say if the bandmaster gets the same position as that director, there's no justification why they should making that amount.

6. **PROPOSAL 78** – Civil Defense Agency; Delete the reference to Civil Defense Agency in "Appointment, Confirmation and Removal of Officers and Employees".

The following individuals testified:

1. Tom Heinrich

Written testimony:

NONE

Tom Heinrich testified to move this proposal forward.

7. **PROPOSAL 79** - Charter Annotation; Technical, non-substantive amendments to provide improved annotation.

The following individuals testified:

1. Tom Heinrich

Written testimony:

NONE

Tom Heinrich testified in support. He commented he's not sure that this is something the Commission needs to act on for public hearing, however whatever report of issues from the Charter Commission he believes Proposal 79 would be something considered as a potential directive of the Charter Commission. He went on to say these things are not substantive in any way but is something he wanted for the Charter Commission's consideration in terms of what type of report they issue and the layout of the new publication of the amended charter.

Commissioner Lendio asked Mr. Heinrich if he was proposing a charter amendment? Mr. Heinrich responded no, the way the proposal was submitted it might not be needed to move on to public hearing as an amendment but rather for the Commission's consideration for their report.

8. **PROPOSAL 84** - Police Department; Repeal prohibition on political activities by members of the Police Department.

The following individuals testified:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council
2. Tom Heinrich

Written testimony:

1. Donovan Dela Cruz, Council Chair, Honolulu City Council

Council Chair Dela Cruz testified in support.

Tom Heinrich testified as the person who submitted this proposal, he asked the Commission to defeat this proposal and move on Proposal 76.

ACTION

C. RELATING TO HOUSEKEEPING AMENDMENTS

1. **PROPOSAL 51** - Department of Customer Services; Include the Director of Customer Services as a department head who must be nominated by the Mayor, with the advice and consent of the Council, and may be removed by the Mayor.

ACTION – Proposal 51 to move on for further consideration – motion passed.

Moved by Commissioner Mikulina, seconded by Commissioner Lendio. No discussion followed.

AYES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN, TOM – 9
NOES: NONE – 0
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion passed.

2. **PROPOSAL 74** – Department of Customer Services; Include reference to the Department of Customer Services in "Appointment, Confirmation and Removal of Officers and Employees".

ACTION – Proposal 74 to move on for further consideration – motion failed.

Moved by Commissioner Lendio, seconded by Commissioner Pacopac. Discussion followed.

Chair Takaki clarified that this proposal is same as Proposal 51 that they just passed.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN, TOM – 9
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed.

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3. **PROPOSAL 75** – Ethics Commission; Include the prohibition against Ethics Commissioners taking an active part in political management or political campaigns set forth in the Hawaii Constitution Article XIV.

ACTION – Proposal 75 to move on for further consideration – motion passed.

Moved by Commissioner Lendio, seconded by Commissioner Pacopac. No discussion followed.

AYES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN, TOM – 9
NOES: NONE – 0
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion passed.

4. **PROPOSAL 76** – Police; Delete prohibition of political activities by police department employees.

ACTION – Proposal 76 to move on for further consideration – motion passed.

Moved by Commissioner Lendio, seconded by Commissioner Pacopac. Discussion followed.

Chair Takaki asked for clarification that this proposal has been determined to be illegal.

AYE: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN, TOM – 9
NOES: NONE – 0
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion passed.

5. **PROPOSAL 77** – Royal Hawaiian Band; Delete the reference to Royal Hawaiian Band in "Appointment, Confirmation and Removal of Officers and Employees".

ACTION – Proposal 77 to move on for further consideration – motion passed.

Moved by Commissioner Lendio, seconded by Commissioner Mikulina. No discussion followed.

AYES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN, TOM – 9
NOES: NONE – 0
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion passed.

6. **PROPOSAL 78** – Civil Defense Agency; Delete the reference to Civil Defense Agency in "Appointment, Confirmation and Removal of Officers and Employees".

ACTION – Proposal 78 to move on for further consideration – motion passed.

Moved by Commissioner Lendio, seconded by Commissioner Mikulina. Discussion followed.

Chair Takaki asked Executive Administrator Narikiyo what does this proposal mean or any other Commissioner who wishes to comment on this? Commissioner Chang commented this has to deal with Malcolm Sussel's case and thinks the courts determined his position was civil service. He stated it was a long litigation and he thinks Mr. Sussel prevailed and he thinks the amendment, if he understood it correctly, removes any reference to him as far as him being appointed and confirmed. Commissioner Lendio commented that's her understanding as well.

AYES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN, TOM – 9
NOES: NONE – 0
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion passed.

7. **PROPOSAL 79** - Charter Annotation; Technical, non-substantive amendments to provide improved annotation.

ACTION – Proposal 79 to move on for further consideration – motion failed.

Moved by Commissioner Lendio, seconded by Commissioner Pacopac. Discussion followed.

Commissioner Mikulina stated they heard from the introducer and agrees they should not move this on to the public hearing because it's not really a charter amendment and should take his consideration to heart when they do their report.

Commissioner Sullivan asked if is in their purview to publish this? Commissioner Lendio responded Corporation Counsel does it. Commissioner Sullivan asked if they wanted to incorporate some of these proposals, how would that happen? Chair Takaki responded they would have to make a recommendation through their final report.

Commissioner Chang commented if they adopt the content in the proposal could they just forward it to the Corporation Counsel with a recommendation, is that procedurally correct? Chair Takaki clarified in their final report.

Commissioner Lendio stated she's voting in opposition but would like to forward this to Corporation Counsel.

Chair Takaki would also like to add this to their final report and asked the staff to incorporate into the final report.

AYES: NONE – 0
NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN, TOM – 9
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed.

8. **PROPOSAL 84** - Police Department; Repeal prohibition on political activities by members of the Police Department.

ACTION – Proposal 84 to move on for further consideration – motion failed.

Moved by Commissioner Lendio, seconded by Commissioner Pacopac. Discussion followed.

Chair Takaki clarified that as Mr. Heinrich testified Proposal 84 is similar to Proposal 76, which they have passed earlier.

AYES: NONE – 0

NOES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN, TOM – 9

EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion failed.

6. Further Discussion and Action:

Executive Administrator Narikiyo stated the Commission would be meeting next week at 2:00p.m. in the Civil Service Commission Meeting Room which is the red brick building and would put that in the agenda. He stated the public outreach meetings have been set for March 14, 21 and 28 at the locations previously discussed.

Chair Takaki clarified for the supermajority proposals, for any of them to pass they need to receive 9 votes and if there are only 9 members all 9 need to vote in favor, if there are only 8 obviously they won't pass. That would be an issue they discuss next week.

7. Committee Reports

- a. **Report of the Budget Committee** – Council Chair reminded the Commission budget is due soon to the City Council.
- b. **Report of the Submission and Information Committee** – No Report.
- c. **Report of the Personnel Committee** – No Report.
- d. **Report of the Rules Committee** – No Report.

8. Officers Report

A. Chair – Chair had no report.

B. Vice Chair – Commissioner Mikulina had no report.

C. Treasurer – Executive Administrator Narikiyo reported for Commissioner Myers. He passed out some figures for the Commission's proposed budget and it is due January 30, 2006 and wanted to get the Commission's approval. He stated the categories are similar and last year the Commission was presented by the Budget

Committee and approved a budget for this current year and next year. He went on to say they adjusted some of the figures to reflect some of the actual expenditures, actual salaries, and actual rent to make it a little more accurate. Executive Administrator Narikiyo stated Commissioner Myers by Commission Rule is the liaison with the Council with regards to budgetary matters. Commissioner Myers got some rough estimates on printing, mailing and related costs, which are reflected in the budget that 's before the Commission. Executive Administrator Narikiyo stated the overall numbers are slightly less than what was approved last year except there's \$100,000 for legal fees which are in the current year's budget and was informed that there's a discussion about carrying that over into next fiscal year just in cast it's needed. So the total number is little less than \$100,000 more than what they looked at last year but that reflects the carryover of the legal fee fund. Executive Administrator Narikiyo stated they broke up printing and added a line called mailing services and data processing which was based on some estimates that Commissioner Myers received that basically according to him is very standard they charge for a mailing list and sorting of all the mass mailing by zip codes and there's some postage regulations that need to be adhered too. He stated the salaries reflect actual figures and they did include in the budget request to keep the Researcher position through the end of the year. He commented he thinks last year the projection was to keep the Researcher only till the end of September but looked into what happened in 1992 and that Researcher was supposed to stay the whole year but quit earlier and thinks they had some falling out. Executive Administrator Narikiyo stated Nikki maintains the website and she does a lot of other things and would appreciate if she could stay on.

Executive Administrator Narikiyo stated because of what the Clerk's office representative testified earlier tonight about how much it cost s to translate, should they adjust for that. Commissioner Myers asked that the Commission amend the budget and add \$5,000 to the printing line item to make that line item \$30,000. The total budget figure would be \$402,400. Executive Administrator Narikiyo stated this was already approved last year but to be safe he asked the Commission for a motion to approve the budget request in the total amount of \$402,400.

Council Chair Dela Cruz clarified funds cannot be carry over funds, they are automatically lapse and suggest they include that in their budget. He also commented regarding some of the estimates, they would have to go through procurement so he suggest they cushion the amount in the sense they don't want to be too exact that would limit their options. He stated he's not sure if they had a contingency in their figures. Executive Administrator Narikiyo responded Treasurer Myers did get a few different numbers and they tended to go with the higher one and commented Treasurer Myers felt comfortable with the figures.

Chair Takaki clarified the printing and mailing budget is for the Commission to do one mailing of a booklet of 5 pages to 200,000 - 300,000 households. They are budgeting to do one mailing and not multiple mailings. Executive Administrator Narikiyo stated he thinks Treasurer Myers estimate was for an 8-page booklet and roughly basing it on what was mailed out in 1992 which there was 32 amendments on the ballot but was not nearly as detailed as the 1998. Executive Administrator Narikiyo commented from his understanding from a discussion with the clerk's office,

they don't have to be as detailed as they were 1998, they could do it in brief digest form.

Commissioner Mikulina asked Chair Dela Cruz if they should add more money? Chair Dela Cruz if they don't have the money there they would not have the flexibility to get the information out. Chair Dela Cruz stated once they see the budget and the Council scrutinizes it he doesn't think there would be flexibility to move it up. Commissioner Tom asked Council Chair Dela Cruz if he is suggesting to increase to provide flexibility. Council Chair Dela Cruz commented they should be realistic with their figures without being too conservative.

Chair Takaki asked Corporation Counsel if the Commission need to vote as a Commission to approve the budget they are going to submit. Deputy Corporation Counsel Sunakoda responded as her understanding as the City Council pointed out the budget needs to be submitted to the Council Chair by January 30 and the next Charter Commission meeting is January 31, 2006. Chair Takaki clarified they need to vote tonight on what budget they would forward to the City Council. Council Chair Dela Cruz commented the Council needs to do it in bill form. Executive Administrator Narikiyo clarified they repeated the legal fees in the budget request. Commissioner Lendio stated it's difficult for them to make that decision without Commissioner Myers present because he did the worksheet. Chair Takaki responded he worked closely with Executive Administrator Narikiyo. Executive Administrator Narikiyo stated he worked closely with Commissioner Myers and they ran through the figures and he believes Commissioner Myers felt comfortable with the figures though he doesn't think Commissioner Myers would be opposed to adding some amount for printing and mailing because that's the big possible variable. Commissioner Lendio added advertising. Executive Administrator Narikiyo responded advertising he thinks is contemplating a week's worth of T.V. ads and maybe four big newspaper ads. Chair Takaki stated last year they did receive questions on why their budget was so high. Chair Takaki commented they had to consider both what's realistic and what looks realistic. Commissioner Pacopac in terms of the booklet Chair Takaki spoke about earlier, he doesn't think the Commission has decided how that would come out, detailed or not detailed so he would be on the prudent side to make sure they have enough to cover in the event they decided to go that way. Commissioner Lendio stated her concern is when they do appear before the City Council and have to justify the budget that there realistic numbers that they could draw and justify the expenditure of taxpayer's money. Chair Takaki responded Commissioner Myers would go before the Council and he agreed with Commissioner Lendio comments.

Commissioner Mikulina suggested adding 10% to each of the printing, postage and advertising line items. Commissioner Tom agreed.

Chair Takaki clarified printing would be increased to \$33,000, mailing would be increased to \$17,000, and advertising asked the Commission if they feel they need to change that? Commissioner Kawashima asked Executive Administrator Narikiyo how did they come up with the figure of \$50,000, was that based on past advertising figures? Executive Administrator Narikiyo responded they had an idea what \$10,000 could buy because that's how much they spent during the open submissions period

which they were able to buy a couple of multi-week runs in the two daily newspapers, radio spots, and ads in the Honolulu Weekly. Executive Administrator Narikiyo commented he believes when Treasurer Myers when he was talking about the figure of \$50,000 in the budget, he was contemplating a week's worth of 30 second spots t.v. ads in conjunction with the mass mailing. In 1992 they came out with a full two page spread in both dailies and also included that in his figures. Executive Administrator Narikiyo commented he doesn't think Treasurer Myers would have a problem with the Commission adding another 10%. Chair Takaki asked would Treasurer Myers having a problem going before the City Council and speaking in front of the questions being asked. Executive Administrator Narikiyo clarified they were trying to be fairly accurate.

Chair Takaki asked Commissioner Mikulina if was moving to increase the advertising by 10% also? Commissioner Mikulina responded in the affirmative. Advertising would be increased to \$55,000 and postage would be increased to \$60,000 and printing should be more like \$35,000 because it needs to be translated into three different languages from English. Chair Takaki stated the new total would be \$419,400? Executive Administrator Narikiyo responded yes.

Executive Administrator Narikiyo recapped from the budget handed out the proposed adjustments are:

Printing from \$25, 000 to \$35,000
Mailing Services from \$15,000 to \$17,000
Advertising from \$50,000 to \$55,000
Postage from \$55,000 to \$60,000.

The total was \$22,000 more.

Council Chair commented the legislature has a bill that would require Korean to also be translated in public documents so instead of three there may be a requirement of four by state law but is not sure what is going to happen. But by then the City Council doesn't finalize the budget by June so they could cut it later. Council Chair Dela Cruz commented he's not sure if Commissioner Myers included contingency. Executive Administrator Narikiyo responded in order to handle any contingency, he went with the high end of the range of the numbers he was given. Council Chair Dela Cruz commented it's based on real estimates and could provide documentation as to what estimates he has. Commissioner Tom asked Council Chair Dela Cruz if he is suggesting that they provide for four foreign languages. Council Chair Dela Cruz responded he would suggest it because they can cut it later if the law does not pass, but if it does pass they don't want to be stuck. Executive Administrator Narikiyo responded that is something they were not aware of. Executive Administrator Narikiyo suggested to add another \$5,000 on printing, so printing would now be \$40,000.

Chair Takaki asked the parliamentarian how do they go about approving the budget, a motion to amend. Commissioner Lendio responded no because as presented, it is already amended. So they would move to approve what they discussed today with a specific motion of a budget with a total of \$424,400.

Commissioner Sullivan asked Executive Administrator Narikiyo regarding the item called Commissioner stipends. Executive Administrator Narikiyo responded in the Hawaii Revised Statutes, there's a section in Chapter 50, which covers Charter Commission that provides \$1,000 stipend to each Commissioner. Commissioner Myers stated the Commission had discussed about it and decided to waive it but they decided to put it back in because the Commissioners have been spending a lot of time on the Commission and they could always revisit that issue but at least the money is in there and the Commission is not foreclosed from accepting it.

ACTION:

Commissioner Lendio moved to approve the budget request as stated in the total amount being \$424,400. Commissioner Pacopac seconded that motion. No discussion followed.

AYES: TAKAKI, CHANG, KAWASHIMA, LENDIO, MEDER, MIKULINA,
PACOPAC, SULLIVAN, TOM – 9
NOES: NONE – 0
EXCUSED: COFFEE, GRAU, HIRANO, MYERS – 4

Motion passed.

D. Secretary – No Report.

9. Announcements

None.

DRAFT 5/3/06

10. Next Meeting Schedule

The next meeting was set for Tuesday, January 31, 2006 at 2:00 p.m. in the Planning Conference Room, Annex Building

11. Adjournment

Commissioner Lendio moved to adjourn, Commissioner Pacopac seconded that motion. Meeting was adjourned at 8:15p.m.